HYPOCRISY PLAGUES ECO-PROTESTS—PAGES 6-7

Socialism by a Landslide PAGE 16

Environment & Climate News

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Wildfires rage across the West

Seventy-three million of the 192 million acres administered by the Forest Service are in danger of severe fire, the legacy of environmentalists who put anti-industry sentiments ahead of forest health

BY JAMES M. TAYLOR

Wildfires are raging across several Western states this summer, quickly rendering 2000's Year of the Wildfire a mere prelude to this year's more widespread and more destructive blazes.

A common theme, however, connects the wildfire seasons of 2002, 2000, and many other recent years: the federal government's role in setting the table and actually lighting the match for the catastrophic fires.

Colorado up in smoke

In Colorado, a monster fire spent much of June scorching hundreds of homes, forcing the evacuation of thousands of citizens, and threatening

WILDFIRES continued on page 12

Fire fighters put out hot spots in the Hayman Fire north of Florissant, Colorado, on Wednesday, June 19, 2002.

Photo: Jay Janner/Colorado Springs Gazette

EPA: Time to Reform New Source Review

BY JOSEPH L. BAST

The Environmental Protection Agency released on June 13 its *Report to the President* on New Source Review, the part of the Clean Air Act that regulates emissions from new or substantially modified factories and power plants.

Criticism of the report from Democrats and pro-regulation advocates was predictable, but more objective commentators from across the political spectrum reacted favorably, saying the reforms represent long-overdue progress in updating environmental regulations for the twenty-first century.

Origins of the controversy

"New Source Review" (NSR) refers to a permitting program whose basic requirements were established in 1977 as Parts C and D of Title 1 of the Clean Air Act. According to EPA, the purpose of the program is to ensure that when new sources are built or existing sources undergo major modifications: (1) air quality improves if the change occurs where the air currently does not meet federal air quality standards; and (2) air quality is not significantly degraded where the air currently meets federal standards.

The NSR program attempts to achieve its mission by requiring best available control technology (BACT) or lowest achievable emissions rate (LAER) technology be installed when new units are built or when major modifications are made to existing plants that would lead to a significant increase in emissions.

Since 1980, EPA has released some 4,000 pages of "guidance" and produced many (often conflicting) letters and several proposals for NSR revision, none of them finalized. Some

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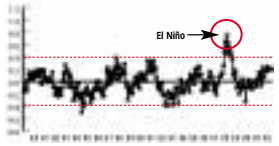
Is *this* global warming?

GLOBAL TEMPERATURES



Each month, Earth Track updates the global averaged monthly satellite measurements of the Earth's temperature. *See page 4*

Americans reject public transportation, choose autos

BY RANDAL O'TOOLE

Transit advocates claim recent increases in transit ridership is proof Americans are turning away from the automobile and that transit—especially rail transit—deserves more funding than ever. Yet transit gains are tiny relative to increases in auto driving.

The tens of billions of dollars invested in transit in recent years have done little but leave surface transportation funding highly unbalanced. Though we travel nearly 100 times as much by auto as by transit, we spend less than four times as much on highways as on transit.

Data recently issued by the Census Bureau, American Public Transportation Association, and U.S. Department of Transportation allows a new look at the state of transit in American urban areas. I am grateful to Wendell Cox for summarizing the 2000 census data on his publicpurpose.com Web site.

Is transit gaining on the automobile?

Transit agencies carried Americans on nearly 9.4 billion transit rides in 2000, more than in

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New technology fights old pests, feeds more people

BY TIM BURRACK

When I started farming 30 years ago, I never dreamed of how technological progress would revolutionize agriculture.

We still can't control the weather. Yet recent innovations in biotechnology have improved agriculture beyond anything I ever thought was possible. We may even be on the verge of making another eternal scourge of farmers permanently obsolete. I'm talking about pests.

There's nothing so frustrating as seeing a bunch of bugs destroy something that might otherwise feed hungry people. Old technology sprays offer one way of containing the problem, but they're hardly foolproof. Moreover, there's a fine line between insecticides that are strong enough to kill pests and those that are so powerful they harm the beneficial plants they're supposed to protect.

Today, however, farmers have a new option. They can turn to crops that are better able to resist sprays because of agricultural biotechnology. Some can even ward off bugs on their own. This is a fantastic advancement, because it means farmers don't have to use as many chemicals.

This year, farmers will plant a record number of biotech crops. According to the U.S. Department of Agriculture, 74 percent of soybean acres and 32 percent of corn acres will consist of these remarkable plants.

There will be even more of this in the future. One estimate says the world market for biotech crops will be $8 billion within three years and $25 billion by 2010.

Good for the environment

This wouldn't be possible without confident consumers. Yet there's a disinformation campaign underway whose specific goal is to erode that confidence. Radical activists who prefer junk science to sound science are the force behind this propaganda.

> **"There's nothing so frustrating as seeing a bunch of bugs destroy something that might otherwise feed hungry people."**

There's not a single scrap of evidence suggesting that biotech crops are unhealthy or bad for the environment. Yet the enemies of agricultural innovation have done everything in their power to make ordinary people think there's a problem. They have discovered that fear raises money—and money provides job security.

Remember that story about biotech corn hurting monarch butterflies? In February, the Department of Agriculture's top scientific research agency said genetically modified corn poses "no significant risk" to these butterflies.

In April, the prestigious journal *Nature* apologized for a false report last year about new strains of corn hurting Mexico's biodiversity.

Biotechnology is actually good for the environment. By increasing crop yield, it allows the same amount of land to produce more food. This is good economics for farmers and consumers, but it also aids soil conservation. In developing countries, it decreases the pressure people face to turn rain forests into farmland.

Biotechnology allows us to grow food that can provide benefits for the people who eat it. The science is still young, but we've already discovered ways to make food more nutritious.

I'm really looking forward to the plants that will increase my vitamin intake, lower my cholesterol, and reduce my blood pressure. About the only thing these incredible plants can't do is control the weather.

But who's complaining? I'm busy farming.

Tim Burrack has farmed near Arlington in northeast Iowa for 30 years and serves on the board of directors for Truth about Trade and Technology.

EU ratifies biosafety protocol

Global regulatory scheme will stifle innovation, hinder trade

BY GREGORY CONKO AND HENRY I. MILLER

The European Union took yet another step away from the rational regulation of genetically modified crop plants and foods in late June, when it became the 22nd party to formally ratify the Cartagena Protocol on Biosafety.

Although heralded by the European Commission as providing a sound mechanism for the regulation of GM organisms, the Protocol will do no such thing. What it *will* do is establish a global regulatory apparatus that will stifle innovation, hinder trade, and focus on the wrong risks. Once the agreement is ratified by 50 signatories and becomes effective—expected to take place by early next year—it will make parties worse off, not better.

BIOSAFETY continued on next page

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HYPOCRISY WATCH

Government often exempts itself from the environmental regulations it imposes on the rest of us. Why do you suppose that is?

EPA gives Army Corps green light to dump toxic sludge

BY JAMES M. TAYLOR

The Army Corps of Engineers should be allowed to continue dumping toxic sludge into the Potomac River, according to an Environmental Protection Agency document, because the sludge encourages fish to flee the area and its resident fishermen.

The discovery of this document by the National Wilderness Institute during research for its ongoing lawsuit against EPA caused an uproar on Capitol Hill during June 19 congressional hearings on the issue.

EPA has come under fire for allowing the Corps to dump 200,000 tons of toxic sludge into the Potomac River every year. The sludge is dumped near spawning grounds for the endangered shortnose sturgeon, allegedly in violation of the Endangered Species Act (ESA) and Clean Water Act.

The Corps began dumping the sludge into the C&O Canal National Park and Potomac River in 1989. A permit issued by EPA allowed the toxic discharges from 1989 to 1993. Although the permit was never renewed, the Corps was allowed to continue its dumping operations through this year. A new permit was issued in March 2002.

Evasive maneuvers

According to an unnamed author of the EPA document, "It is not in my view a ridiculous possibility that our discharge actually protects the fish in that they are not inclined to bite (and get eaten by humans), but they go ahead with their upstream movement and egg laying."

The document, produced in 1998 and clearly stamped "EPA," instructs officials on talking points related to the toxic dumping. Specifically, it encourages government officials to focus less on the possibility that dumping is killing fish, and more on assertions that the sturgeon can evade the sludge on their way to spawning grounds.

"To suggest that toxic sludge is good for fish because it prevents them from being caught by man is like suggesting that we club baby seals to death to prevent them from being eaten by sharks. It's ludicrous," said Rep. George Radanovich (R-California), chairman of the House Subcommittee on National Parks, Recreation and Public Lands.

"This is one of the most frightening examples of bureaucratic ineptitude and backward logic I have ever seen," Radanovich said.

Raising additional concerns, the document appeared to be authored by the Army Corps of Engineers, which is being regulated by EPA on the matter. "That is even more problematic," stated Rob Gordon, director of the National Wilderness Institute. "What is the Corps doing offering advice on [EPA] letters going out regarding their activities?"

An EPA spokesperson countered it is not unusual for the agency to give a draft to "various stakeholders involved in the process."

An "environmental disaster"

On June 18, Radanovich sent a letter to the White House asking the Bush administration to clean up the "environmental disaster" it inherited.

"Some of the same EPA officials who decided not to forbid the dumping are still committed to giving special treatment to this plant. Their intransigence now threatens to link your administration to the indefensible notion that Washington, DC, should be exempt from the environmental laws that are enforced throughout the country," Radanovich wrote.

"The strength of the ESA is that it gives power and control to government bureaucrats and serves to enlarge the federal estate," observed Kathleen Benedetto, the National Wilderness Institute's program director, in a recent interview with *Environment & Climate News*. "The weakness is that it drives a wedge between people and species, putting both at risk."

National Wilderness Institute spokespersons expressed confidence they will be successful in their efforts to reverse the Army Corps dumping policy, either through Congress or through the courts.

BIOSAFETY continued from previous page

Two and a half years ago, when the agreement commonly known as the Biosafety Protocol was negotiated in Montreal, it was heralded as a landmark of global cooperation. The Protocol requires member nations to establish strict controls over nearly every aspect of research and development on GM crops, animals, and microorganisms.

"No clear purpose"

The Biosafety Protocol was the culmination of an effort begun in 1993, when few people had ever even heard of GMOs, and when the first GM crops had not yet been planted commercially. But it was doomed from the start. A scientific panel established by the United Nations' Environment Program earlier that year to review the need for such an agreement advised that "a protocol would, for no clear purpose: (i) divert scientific and administrative resources from higher priority needs; and (ii) delay the diffusion of techniques beneficial to biological diversity, and essential to the progress of human health and sustainable agriculture."

Nevertheless, politicians were intent on creating an agreement.

Risks neither new nor unique

Ever since the methods of gene-splicing were invented in 1973, dozens of major scientific organizations—including the UK's Royal Society, the World Health Organization, the American Medical Association, and the U.S. National Academy of Science—have investigated the potential risks of GM organisms and reached remarkably similar conclusions. The process of genetic modification is not inherently risky, they found, and genetically modified organisms do not pose new or unique risks compared to unmodified organisms or organisms modified in more conventional ways.

For example, some critics have suggested GM crops could become invasive weeds or have other unintended environmental impacts, such as harming insects or other wildlife. But numerous conventionally bred plants have been shown to pose exactly the same kinds of environmental risks.

Others worry about GM foods introducing new toxins or allergens into the food supply. Here too, though, conventionally bred foods pose exactly the same risks. Food-grade potatoes and tomatoes, for example, are routinely mated with wild varieties toxic to human beings.

What explains the safety of our food supply? Over time, and relying upon vast experience with a wide array of techniques for the modification of plants and animals, scientists, breeders, and farmers have developed methods for keeping unsafe products off the market—methods that are more than adequate for ensuring the safety of GM crops and foods.

"Although numerous critiques of the precautionary principle have been written, its shortcomings are no more evident than in the case of GMO regulation."

Still, supporters of the Biosafety Protocol have argued a layer of formal government regulation must exist to catch unanticipated problems. If this truly is the case, then why voluntarily blinder regulators so they miss the arguably greater risks of conventional plant breeding and the introduction of exotic species into new environments?

The total lack of interest by negotiators in these mundane, but more significant, sources of environmental and human health risk reveals the true motivation behind ratification of the Biosafety Protocol is merely politics.

It's all about the politics

Politics also explains why, more than two years after the agreement was supposedly finalized, there remains a considerable amount of dispute about how it will be implemented.

Perhaps the most problematic issue is how the Protocol's reference to a "Precautionary Approach" in regulatory standard-setting should be interpreted. Although the large agricultural exporting nations specifically opposed including the words "precautionary principle" in the final text, the European Union now argues for a strong reading of the precautionary language that would give it leeway to ban imports on the basis of little more than speculation about potential health or environmental risks.

Precaution stymies innovation

The precautionary principle has been invoked to support unwarranted restrictions on some of the safest, most well-studied food products in human history. It has distracted regulators and the public from more significant sources of risk. And, by handicapping the development of GM crops intended for less-developed nations, it has kept researchers from trying innovative ways of combating hunger and poverty.

What is needed globally is a set of policies that make scientific sense and protect consumer choice. This is sorely lacking in the Biosafety Protocol. The only winners from its rules will be government regulators and anti-science extremists.

The losers will be consumers everywhere, who will once again be denied access to safer, more nutritious, and affordable products.

Gregory Conko is director of food safety policy at the Competitive Enterprise Institute in Washington, DC. Henry I. Miller, a medical doctor, is a fellow at Stanford University's Hoover Institution.

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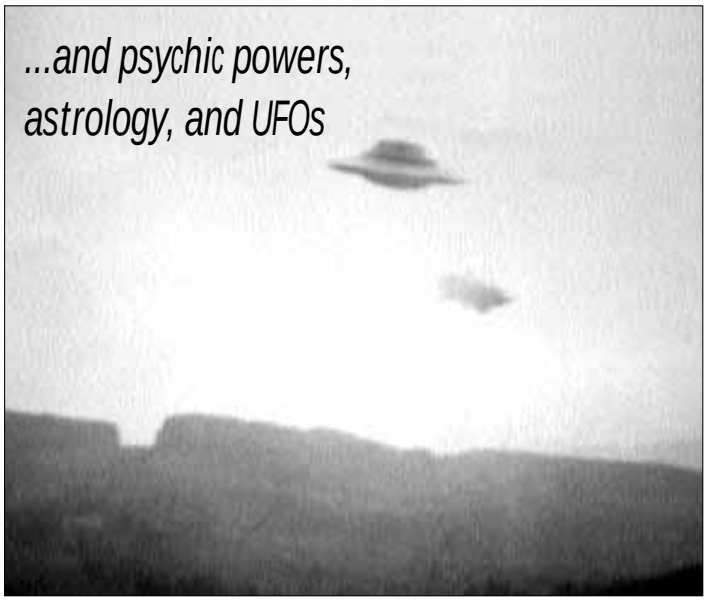
Americans believe in global warming ...

BY S. FRED SINGER

A nationwide survey conducted by the National Science Foundation concludes few Americans understand the scientific process, and many believe in pseudoscience and may be quick to accept phony science reports.

Most Americans believe global warming is a real and serious problem, and are fairly evenly divided on issues such as cloning and genetic engineering. However, 60 percent believe some people possess psychic powers, 40 percent believe in astrology, and 30 percent believe in UFOs.



Brits, Swiss say worse warming on the way

Two recently released climate studies predict global warming by the end of the century "will be even more dramatic than a United Nations group has predicted."

A British study says the Earth will be 0.5 to 2.3 degrees Fahrenheit warmer than the period between 1990-2000. A Swiss study predicts a temperature increase ranging from 0.9 to 1.9 degrees Fahrenheit. The two studies are reported in the April 18 issue of the journal *Nature*.

"A nationwide survey conducted by the National Science Foundation concludes few Americans understand the scientific process, and many believe in pseudoscience and may be quick to accept phony science reports."

The U.N. study, published last year, concluded "most of the warming observed over the past 50 years is attributable to human activities," including gases from industry and automobiles.

CNN's coverage of the story acknowledged some climate scientists sharply disagree and argue the Earth has been in a long-term, natural cycle of rising temperatures since the so-called "Little Ice Age" 500 years ago. Further, those scientists point out that many temperature-monitoring stations are located in cities, where heat-absorbing buildings and pavement can give misleadingly high temperature readings.

CNN failed to report that both satellite and balloon data show no detectable warming of the Earth's atmosphere in the past 22 years. The preponderant evidence shows the warmest years occurred around 1940.

Los Alamos studies CO2 sequestering

Researchers at the U.S. Department of Energy's Los Alamos National Laboratory are studying a simple method for extracting carbon dioxide directly from the air—a breakthrough that could allow sustained use of fossil fuels while avoiding potential global climate change. The process is claimed to be cost-effective.

The method allows carbon dioxide to be harvested from the air, reducing its buildup in the atmosphere and allowing it to be converted into fuel. A Los Alamos-led research team presented its work at the 223rd annual meeting of the American Chemical Society in Orlando, Florida.

"If you can capture atmospheric carbon dioxide, then you limit the environmental impact of fossil fuels and you can continue to use them," explained Los Alamos researcher Manvendra Dubey. "We have come up with a way to capture and sequester the carbon dioxide that we are putting in the atmosphere. Our approach is particularly well-suited to capturing CO2 from numerous small sources, such as automobiles, that are largely being ignored."

Unlike other research efforts, which focus on capturing more concentrated forms of carbon found in power plant exhausts, Dubey and his colleagues are working with a dilute stream of CO2 in the atmosphere. Their method uses ordinary air, with its average carbon dioxide concentration of about 370 parts per million. It utilizes the wind and natural atmospheric mixing to transport CO2 to a removal site, and it is the only means available to capture CO2 generated from transportation sources and small, dispersed sources that account for nearly half of all carbon dioxide emissions.

The air is passed over an extraction agent—for example, a solution of quicklime, the active agent in some cement. As the air passes over the extraction structure, the carbon dioxide in the air reacts with the quicklime and becomes converted to calcium carbonate (limestone), a solid that forms and falls to the bottom of the extractor.

The calcium carbonate is then heated to yield pure carbon dioxide and quicklime, which is recycled back into the extractor. The purified and liberated carbon dioxide can then be sequestered as a gas by direct injection into the ground, or it could be reacted with minerals to form a solid. Carbon dioxide gas also can be sold commercially to the petrochemical industry, which uses large quantities of it to extract fossil fuels.

S. Fred Singer is professor emeritus of environmental sciences at the University of Virginia and president of the Science and Environmental Policy Project. Singer's The Week That Was columns can be found at www.sepp.org.

FOR MORE INFORMATION

"Science and Technology: Public Attitudes and Public Understanding," is Chapter 7 in the National Science Foundation's *Science and Engineering Indicators 2002* report. The full text of the report is available on the Internet; Find Chapter 7 (and links to the rest of the report) at **http://www.nsf.gov/sbe/srs/seind02/c7/c7h.htm**

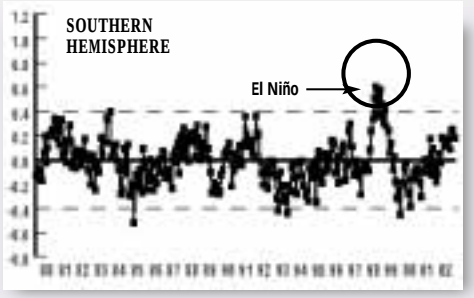
EARTH TRACK

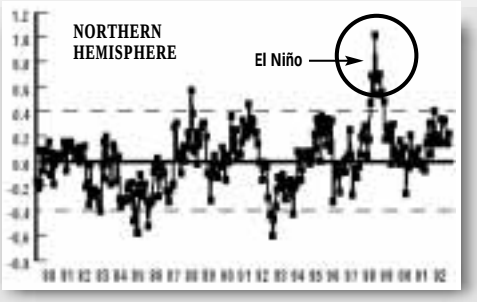
JUNE 2002

The global average temperature for June, shown on page 1, was 0.20˚C above normal. The Southern Hemisphere's temperature departure, shown below, was 0.18˚C above normal; the Northern Hemisphere's, below right, was 0.22˚C above normal.

Each month, Earth Track *updates the global averaged monthly satellite measurements of the Earth's temperature. These numbers are important because they are real—not projections, forecasts, or guesses.*

Global satellite measurements are made from a series of orbiting platforms that sense the average temperature in various atmospheric layers. Here, we present the lowest level, which climate models say should be warming. The satellite measurements are considered accurate to within 0.01°C.





The data used to create these graphs can be found on the Internet at *http://vortex.nsstc.uah.edu/data/msu/t2lt/t2ltglhmam.d.*

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Kyoto through the backdoor

BY MARK WHITENTON

The high costs and questionable benefits of mandatory reporting

In an effort to circumvent President George W. Bush's principled rejection of the high-cost, negligible-benefit Kyoto Protocol, the Senate majority is trying to use the pending energy bill to force Kyoto-like mandatory reporting of greenhouse gases (GHGs) and other climate change provisions on U.S. industry through the backdoor.

The House energy bill—passed promptly last August—contains no such climate provisions. Instead, it respects an existing program at the Department of Energy (DOE) that invites utilities and other industrial entities to voluntarily register their GHG reduction successes. (The President ordered this program strengthened just this past spring as part of his climate policy initiatives.)

But Senate Majority Leader Tom Daschle (D-South Dakota) and many of his colleagues will have none of this "voluntary" talk. They're bent on forcing ill-conceived GHG reporting mandates now, in order to set the table for energy rationing in the future. Ironically, they have put these mandates into legislation that instead should deal with *increasing* energy supplies and improving infrastructure at a time when both our national security and economic security are at risk.

The Senate's version of an energy bill, driven by mid-term election politics and cobbled together in a backroom after Daschle snatched it from relevant committees, contains provisions never debated publicly before its passage in May. Among such inadequately addressed provisions is a requirement for industry to report emissions of GHGs, including carbon dioxide that results from the burning of fossil fuels.

Costly mandates bring few benefits

These Senate bill provisions would force industry, transportation entities, state and local governments, schools, and other fossil energy users to submit to the Environmental Protection Agency and DOE annual reports documenting their GHG emissions (just what we need, more costly paperwork) ... or face fines of up to $25,000 per day.

Not only would these mandates require the reporting of questionably measurable "direct" emissions from industrial processes, but they also would require estimated emissions from products manufactured by that entity, as well as all "indirect" emissions from electricity use, transportation, and other sources that future bureaucrats may decide to write into sweeping regulations.

> **"Senate Majority Leader Tom Daschle (D-South Dakota) and many of his colleagues ... [are] bent on forcing ill-conceived GHG reporting mandates now, in order to set the table for energy rationing in the future."**

Considering that the slim Senate majority is willing to saddle American businesses with additional millions of dollars' worth of compliance costs at a time when increases in regulatory burdens are tipping the balance from profitability toward red ink, it's fair to ask what all this mandated reporting will provide by way of public benefit.

Good answers to this question are difficult to come by. The United States already meets its Rio Convention (1992) obligations to report annual GHG emissions with an EPA report that calculates emissions by using national data for overall fossil fuel consumption.

Dangerous Pandora's box

As one might guess, industry is virtually united in its desire to see DOE's voluntary GHG emissions reduction reporting program work. Industry rightly fears the energy-rationing Pandora's box presaged by the Senate energy bill's onerous climate change reporting provisions. They fear the potential for economic ruin if that box is opened.

If the lid is to remain tightly shut, the administration and House conferees must remain steadfast as they work to remove the Senate's mandatory reporting provisions in conference.

The House-passed energy bill is well balanced between incentive-based efficiency measures, increased energy production, and improved energy infrastructure. House conferees must insist that a final energy bill retain the proper focus, especially with respect to the Senate climate provisions. If they fail, as in a cheap monster flick, Kyoto will rise from the depths of a constitutionally sound executive branch rejection to stalk and wreak havoc upon our American economy.

Mark Whitenton is vice president of Resources and Environmental Policy at the National Association of Manufacturers.

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"[The NAM] staff have really taken the NAM to new levels of activism in trying to get so many things done."

–Rep. Tom DeLay (R-TX-22), House Majority Whip

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photo: Dennis Brack/Black Star

R.J. Smith of the Competitive Enterprise Institute demonstrates at an Exxon station to counter a demonstration by U.S. PIRG to keep Exxon-Mobil out of the Arctic National Wildlife Refuge.

"Campaign ExxonMobil" runs out of energy

BY JAMES M. TAYLOR

Protestors hoping to give ExxonMobil Corporation a public relations black eye for not backing their anti-energy agenda found themselves being shamed at the company's annual shareholder meeting May 29 in Dallas.

The Dallas protest was to be the high point of a series of events that took place around the country organized by a group calling itself "Campaign ExxonMobil." The group claimed to represent "concerned shareholders" calling on ExxonMobil's management to embrace higher mandatory fuel economy restrictions and other restrictions on consumer energy use.

Protestors embarrassed outside ...

The protest march on May 29, meant to be the focal point of "Campaign ExxonMobil", drew an assortment of advocates of Marxism, anti-capitalism, and alternative lifestyles now a familiar sight at such carefully orchestrated media events. While the trained marchers surprised no one with their anti-SUV slogans, many reporters were more intrigued by a contingent of free-market environment advocates who were also present. Their pro-energy chants and signs emphasized the benefits of ample and affordable energy and the dubious science behind "global warming" and other controversial environmental issues.

One anti-energy protestor, who would identify himself to the gathered media only as "Luigi," called for Americans to "burn" all SUVs. "They are horrible! They are useless! Most people should be able to get by with a two-door car for the same thing they use SUVs for."

However, the anti-SUV protestors had some explaining to do when they climbed into a Ford Econoline full-sized van after their day of demonstrating.

"SUV alert!" chanted free-market counter-demonstrators as the protestors climbed into their van. "Gas guzzler! Gas guzzler!" began another chant.

Carol Jones, one of the counter-demonstrators and a member of Citizens for a Sound Economy, pointed out the hypocrisy of anti-corporate protestors. "They always bring all their blow-up [props] in SUVs, which they are [allegedly] totally against," she observed.

Jones added, "[The protestors] don't want *us* to have SUVs, but they just got to have *their* SUVs."

Sales figures and surveys show SUVs, vans, and trucks are extremely popular with American consumers. According to Environmental Protection Agency figures for the 2001 model year, the Ford Econoline achieves roughly 13 miles per gallon in the city and 21 miles per gallon on the highway.

... and rebuffed inside

Inside the shareholder meeting, anti-energy protestors fared no better. Although their spokespersons were allowed to speak uninterrupted, their resolutions were repeatedly defeated by wide margins. A resolution requesting that ExxonMobil's board of directors outline plans to promote renewable energy sources, the centerpiece of "Campaign ExxonMobil", was voted down by a lopsided 80-to-20 margin.

Lee Raymond, chief executive officer of ExxonMobil, told the *Wall Street Journal* "if our main competition wants to invest in solar, God bless 'em."

> **"'SUV alert!' chanted free-market counter-demonstrators as the protestors climbed into their [full-sized Ford Econoline] van. 'Gas guzzler! Gas guzzler!' began another chant."**

In a report on "corporate citizenship" released by ExxonMobil in May, the company emphasized its success in dramatically reducing air pollutant emissions from its operations, minimizing oil spills, and expanding cogeneration capacity to reduce energy consumption. According to the report, the company improved energy efficiency in refineries and chemical plants by more than 35 percent between 1973 and 1998.

In the same report, ExxonMobil said the risk of "global warming" should be addressed by scientific research to improve understanding of climate change and its potential risks, implementing economic steps to reduce greenhouse gas emissions now, and research on innovative, advanced technologies with the potential to dramatically reduce emissions in the future.

"We are actively engaged in this type of research to meet consumer demand for new, affordable and environmentally improved products," the report says.

Faulty logic

"Campaign ExxonMobil" makes its case for why the company must cease being an oil company and embrace alternative energies in a paper titled "Report: ExxonMobil Stance on Climate Change Jeopardizes Billions of Dollars in Shareholder Value." According to the report:

- ExxonMobil risks its reputation among alternative fuel activists by continuing to produce and sell oil.
- The trial lawyers who are suing the tobacco and fast food industries may soon turn their attention to ExxonMobil.
- ExxonMobil risks being caught "flat-footed" if some undiscovered technology suddenly transforms biomass and wind energy into cost-effective products.
- ExxonMobil is missing an opportunity to corner the energy market by transforming itself into a natural gas company and then pushing for legislation banning or severely restricting all other forms of economically viable energy,

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"Campaign ExxonMobil" drove to a protest against SUVs in a Ford Econoline van.

Sierra Club attacks Ford, SUVs

The Sierra Club is an environmental lobbying organization best known for its anti-logging stance, which has contributed to the wildfires devastating hundreds of thousands of acres of forests and wilderness areas. Apparently, the group wants to have a similar effect on the nation's manufacturers of cars and trucks.

In June, the Sierra Club announced a three-year advertising campaign accusing car and truck manufacturers of damaging the environment and contributing to U.S. dependence on oil from the Mideast. The campaign's first round of radio and television ads, airing in 12 states, targeted Ford Motor Company and CEO Bill Ford Jr. by name.

The television ads showed pictures of Kuwaiti oil fields ablaze during the Persian Gulf War and implied American auto manufacturers were to blame. "Now more than ever, America needs cars that get better mileage," said the narrator in one of the Sierra Club ads.

One of the markets targeted by the Sierra Club was Detroit. Not surprisingly, every local radio station approached by the Sierra Club refused to air the ads. "We felt it was inappropriate for the Sierra Club to single out an individual and attack an individual in the ad," said WWJ radio station general manager Rich Homberg.

Choosing to target Ford CEO Bill Ford Jr. appears to be a classic case of the maxim, "no good deed goes unpunished." Ford has done more to publicize environmental concerns than any other CEO in the U.S. Ford Motor Co. has been a generous donor to many environmental organizations, even those with anti-business agendas.

The Sierra Club claims it is attempting "to give American consumers the choice to buy more fuel-efficient vehicles." A letter to the *Wall Street Journal*, which covered the story, found it "quite amusing that the Sierra Club defines laws restricting the kinds of automobiles consumers can buy as laws that 'give American consumers the choice to buy more fuel-efficient vehicles.' Likewise, one might define one-party elections in totalitarian regimes as 'laws giving citizens the right to vote for the Leader.' Book-burnings are merely 'laws giving citizens the right to read wholesome literature.' And free speech prohibitions are merely 'laws giving citizens the right to hear the truth.'"

At an event held in Detroit announcing the ad campaign, Sierra Club officials chose not to comment on why their Dallas compatriots traveled to and from an ExxonMobil protest in a Ford Econoline full-sized van.

such as oil and coal.

Few experts on energy or marketing would agree with any of these points. For example, while many consumers voice support for "green" products when asked, few are willing to pay more for them. Alternative fuel activists are too few in number, and their energy use too small, for oil companies to worry about losing their business.

"Had ExxonMobil heeded in 1995 Mansley's advice to divest itself from the oil business and transform itself into a biomass and alternative-fuel company, there wouldn't be 'Billions of Dollars in Shareholder Value' left to endanger."

While lawsuit abuse is rampant, it is difficult to imagine successful legal action against oil companies for contributing to poor air quality or to "global warming." ExxonMobil has, however, felt the sting of litigation over the Exxon Valdez oil spill of 1989.

While every company faces the risk of a new discovery that renders its products obsolete, there is no plausible scenario in which the world's reliance on fossil fuels would abruptly end. More likely, other energy sources will gradually gain market share over the next one hundred years as fossil fuel supplies grow more expensive, giving companies such as ExxonMobil ample opportunity to diversify.

Curiously, while the report urges shareholders to learn a lesson in corporate responsibility from "the Enron debacle," it fails to mention Enron's troubles stemmed from its strategy of attempting to corner the market on natural gas and then lobbying the federal government to ban or severely restrict the oil and gas produced by its competitors. This, of course, is exactly the misguided advice "Campaign ExxonMobil" is giving the company today.

A threat to shareholder value

Mark Mansley, author of the "Campaign ExxonMobil" report, offered up the same dire warnings and made the same recommendations seven years ago in a paper titled "Long Term Financial Risks to the Carbon Fuel Industry from Climate Change." Had ExxonMobil heeded in 1995 Mansley's advice to divest itself from the oil business and transform itself into a biomass and alternative-fuel company, there wouldn't be "Billions of Dollars in Shareholder Value" left to endanger. Biomass and other "renewable energy sources" are just as expensive, unprofitable, and unpopular with consumers today as they were in 1995.

All of which was not lost on ExxonMobil shareholders, who realized their best course of action was to give the market what the market wants: proven sources of cost-efficient energy. In the end, "Campaign ExxonMobil" protestors were as successful in advancing their agenda inside the shareholder meeting as they were at avoiding hypocrisy and embarrassment outside the meeting.

Religion and green ideology don't mix

BY JAMES M. TAYLOR

"Campaign ExxonMobil" persuaded a Catholic group to introduce a resolution, which garnered just 20 percent of shareholder votes, calling on the company to produce a plan to promote renewable energy sources. Using religious figures to advocate environmental causes in front of the national media is not a new tactic.

In the months prior to the meeting, "Campaign ExxonMobil" marched out numerous self-appointed spokesmen for various causes designed to appeal to shareholder interests. Politically active religious figures of various faiths proselytized against oil and claimed burning fossil fuels was an environmental sin against God. Gwich'in Indians railed against drilling for oil in Alaska, even though most Alaskans, native and non-native alike, support oil recovery and its economic benefits.

The Acton Institute for the Study of Religion and Liberty, a nonprofit, ecumenical think tank, took exception to this exploitation of religious figures to push an anti-corporate agenda. The Institute warned "disastrous effects" would be the result of "irresponsible social and environmental activism on the part of the religious environmental movement" if "Campaign ExxonMobil" were to succeed.

A statement by Rev. Robert A. Sirico, president and co-founder of the Acton Institute, follows.

Statement by Rev. Robert A. Sirico

"It is a fundamental belief of mine that this ongoing alliance between the radical environmental movement and the faith community has been a tragically unreflective one. My suspicion is that much of this religious environmentalism results from a woeful lack of understanding of business, specifically, and economics, broadly speaking.

"These activists, especially those deeply convinced of the radical environmental agenda, are often more concerned with the social and political aims of the environmental agenda, and disregard the facts presented by a proper understanding of economics and the workings of the free market.

"Most especially, these activists dismiss the notion that the business community has any moral potential at all. Such a negative view of economic reality reflects a grave misunderstanding of Christian anthropology, which understands humankind as imbued with creativity and dignity. The Christian view understands that man is a steward of creation's resources and dismisses the notion that man is merely a consumer and polluter.

"The assumption that because a corporation makes a profit it is somehow morally less significant or exploitative dismisses the real gains in living conditions and quality of life that such enterprises have made possible."
REV. ROBERT A. SIRICO
ACTON INSTITUTE

"Corporations like ExxonMobil have done humanity a great service by developing the energy resources necessary for heating homes, powering our global transportation infrastructure, and providing meaningful employment throughout the global economy. The assumption that because a corporation makes a profit it is somehow morally less significant or exploitative dismisses the real gains in living conditions and quality of life that such enterprises have made possible."

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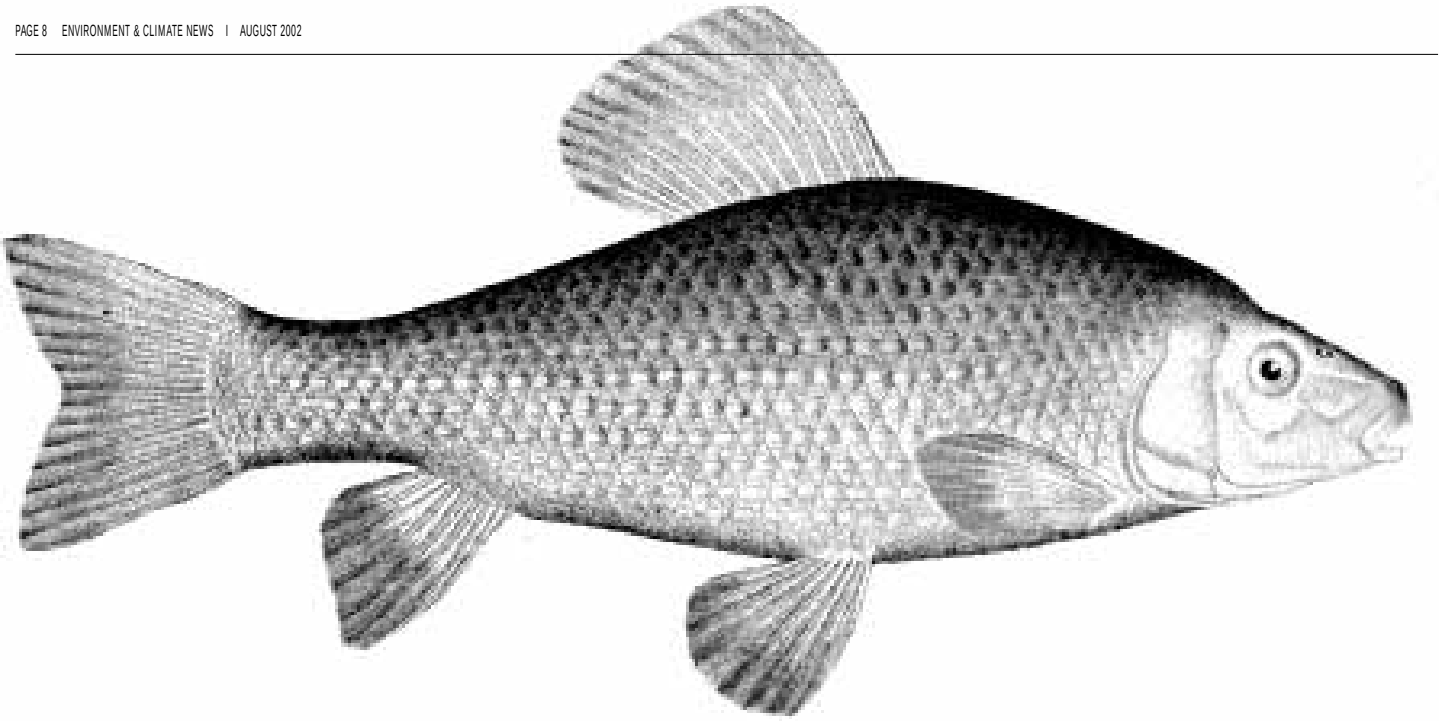

Suckers for junk science?

Bush administration defends sucker listings

BY JAMES BUCHAL

On May 12, 2002, the United States Fish and Wildlife Service (FWS) published a *Federal Register* rejecting petitions I had filed to remove from the Endangered Species List two species of sucker fish found in the Klamath Basin.

The fish were listed as endangered in 1988, on grounds that almost immediately proved to be false. Biologists claimed, for example, the fish had not successfully spawned in 18 years. Yet more than 10 times the expected population was found soon after the listings, with fish from all age classes, proving the suckers had been spawning all along.

No evidence suckers are endangered

On July 16, 2001, David Vogel, a biologist engaged by the Klamath Water Users Association, testified before Congress as to the serious deficiencies in the sucker listing. His testimony, along with the documents in the files of the Service, proved there is no evidence the suckers are endangered at all.

Junk science provided the rationale for last year's seizure of Klamath Basin water, and junk science drove the listing in the first place.

On October 19, 2001, I filed a petition to delist the suckers. The law required a formal response by the FWS within 90 days, "to the extent practicable." The Service's local office spit out a draft finding, and then the process ground to a halt.

On March 12, 2002, I filed a complaint to make public the 90-day finding. When that didn't work, I filed a motion for summary judgment on May 6, 2002. The Service then issued its finding: "no substantial information has been presented or found that would indicate that delisting of the Lost River sucker or shortnose sucker may be warranted."

Overfishing the culprit

The *Federal Register* notice begins by observing, correctly, that severe overfishing (principally by the Klamath Tribe, though the Notice does not say so) drove populations down until the Oregon Department of Fish and Wildlife halted the fishing in 1987. Rather than wait for the fishing ban to have its anticipated effect, the FWS rushed in to list the suckers as endangered in 1988.

According to the Service, we should not be misled by the fact that scientists found virtually no suckers in the 1980s, yet hundreds of thousands of them in the 1990s. The Service says "comparisons between current [population] estimates and those made during the fishery, prior to its termination in 1987, are not informative due to extreme differences in methodology."

But the scientists prior to listing were trying to estimate sucker populations, and so were the scientists afterwards. For the FWS to say the estimates cannot be compared is simply a pseudo-scientific way of saying the FWS refuses to acknowledge the simple truth: Sucker populations went way up after overfishing stopped, and are no longer in any appreciable danger of extinction.

Such a finding is anathema to the FWS and its employees, many of whom would be out of a job but for the listings. Thus the Service claims the suckers are still "endangered," and that:

> The endangered status of the suckers is based upon continuing threats to the populations. The 2001 status review identifies continuing threats to the two species which warrant maintaining their listing as endangered under the Endangered Species Act, including but not limited to habitat loss, degradation of water quality, periodic fish die-offs, and entrainment into water diversions.

This is the grossest sort of junk science. Perhaps the most egregious statement is the claim "entrainment" (being sucked into irrigation canals) poses a meaningful threat of extinction. A population of hundreds of thousands of fish cannot possibly be pushed to extinction by sucking out a few stray fish from the fringes of the population.

Ironically, at the same time the Service complains in its Notice about "entrainment," it complains in a press release heralding the Notice about "barriers to movement between different populations." Where are the different populations? At the other end of canals where suckers are entrained, of course. So suckers are endangered because facilities allow them to move between bodies of water, and endangered because they can't move between bodies of water.

Threats undocumented

The second justification for perpetuating the suckers' "endangered" status, "habitat loss," fares no better. Development of the Klamath Basin Project significantly increased the total quantity and quality of habitat available to the suckers, insofar as Upper Klamath Lake is bigger, as are other reservoirs where suckers are found.

The FWS does not identify the magnitude of alleged habitat loss (the press release calls it "extensive"), identify any particular loss, or explain the baseline against which such loss is to be measured. Nor does the Service identify the effect of the alleged loss upon the risk of sucker extinction. Expert testimony of David Vogel, ignored in the Notice, states "it is now obvious that the species' habitats were sufficiently good [at the time of listing] to provide suitable conditions for these populations."

The FWS Notice also claims continued "endangered" status is justified by "water quality" problems. But prior to development of the Klamath Basin Project, the sucker habitat was frequently a stinking swamp from which early explorers could not even water their horses because the water quality was so bad. That may explain why the Service does not identify the magnitude of alleged water quality degradation, does not cite any particular examples of water quality degradation, does not offer the baseline against which degradation is to be measured, and does not document the effect of any such degradation. The press release refers only to "extremely poor water quality"—something I have never seen in my trips to the Upper Klamath Lake.

Finally, the FWS says continued listing is justified because of "periodic fish die-offs." If die-offs are "periodic," they continue over and over without causing the extinction of the population. The Service has no evidence occasional fish kills (from late summer algae growth) threaten the continued existence of the suckers, which have survived droughts for centuries with far less refuge than they have now. In fact, tagging research has demonstrated only a tiny fraction (never more than 1 percent) of tagged fish were recovered in the kills. All available evidence suggests what the press release calls "catastrophic fish kills" don't make much of a dent in the population, much less reduce appreciably the probability suckers will persist in the Basin.

Common sense is what's endangered

No person with common sense would find the suckers are in any appreciable danger of extinction, or that they qualify for protection under the Endangered Species Act. The original listing was a mistake, if not a fraud, and now the Bush administration is, knowingly or unknowingly, perpetuating the fraud.

What can be done? I'll probably amend the complaint in the lawsuit to challenge the Notice determination as defective. Most likely, all the Justice Department will have to do to beat the lawsuit is say it raises a question of "science," not law.

The only real solution is political. Until we elect politicians who realize the Emperor has no clothes—and have the courage to say so—things will continue to deteriorate on all fronts.

James Buchal is an environmental attorney in Portland, Oregon, and author of The Great Salmon Hoax, *by Iconoclast Publishing Co. The book is available through Amazon.com at* http://www.amazon.com/exec/obidos/ASIN/0966195108/theheartlandinst.

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Bush retains Clinton-Gore legacy at USFS

BY DAVE SKINNER

Another public land squabble is shaping up in "Bush Country" with the announcement that U.S. Forest Service (USFS) Pacific Northwest Regional Forester Harv Forsgren is being transferred from Portland to take the reins of USFS's Southwest Region.

Forsgren is to replace Eleanor Townes, a Clinton administration appointee who retired in February after a rather stormy tenure.

In anticipation of Townes' departure, Southwestern resource producer groups and politicians, including New Mexico Lieutenant Governor Walter Bradley, the New Mexico Cattle Growers, the Arizona-New Mexico Coalition of Counties, and the New Mexico Public Lands Council, joined in a search for a candidate to fill the vacancy.

After a series of meetings late last year, those organizations wrote letters of recommendation to the Forest Service on behalf of John C. Bedell, who currently supervises the Apache-Sitgreaves National Forest.

According to Coalition of Counties Director Howard Hutchinson, Bedell was chosen as a long-time Southwesterner "familiar with the Southwest, with a forestry and grazing background."

Forsgren lacks forestry background

Instead, the Bush administration picked Forsgren, who New Mexico stockgrower Bob Jones told the *Albuquerque Journal* is a "controversial reject of the Clinton-Gore era."

A fishery biologist with a Masters degree from Humboldt State, Forsgren was named Pacific Northwest Regional Forester in 1999 by then-USFS Chief Mike Dombeck, a Clinton appointee (and fishery biologist) who resigned soon after Bush took office.

> "It seems like the Bush administration is pandering to all the people who voted against 'em—and will always vote against 'em. So, what's the point?"
>
> HOWARD HUTCHINSON

When Dombeck appointed Forsgren, many were concerned with Forsgren's lack of forestry background, but gave him the benefit of the doubt. Frank Gladics, president of the Portland-based Independent Forest Products Association, cautioned resource people not to "castigate the guy because he is a biologist."

However, Forsgren may deserve the reception that awaits him in the Southwest. When the Clinton roadless initiative controversy reached its peak, Forsgren defended Dombeck's implementation order in a November 2000 *Eugene Register-Guard* opinion-editorial, declaring he was "proud of the roadless proposal and our commitment to the public process."

Upon hearing Forsgren's comments, Montana Logging Association Executive Director Keith Olson dryly noted, "I would defer to and agree with the judge in Idaho that the plaintiffs who filed suit against the roadless initiative were in fact shut out of the public process."

Bedell a better Bush policy match

Under Forsgren, the Pacific Northwest Region has continued to underperform, cutting only a tenth of the harvest target levels specified in the Northwest Forest Plan—a Clinton administration plan the Bush administration is now trying to revise. Forsgren supported the plan at the time Dombeck promoted him.

Finally, there is the recent conclusion of a Forest Service investigation into the deaths of four firefighters in the Thirty-Mile Fire on the Okanogan National Forest in north central Washington last summer. Eleven Forest Service employees were disciplined for violations of basic firefighting safety procedures.

In addition, and in response to concerns the firefighters died because water drops by slurry bombers were delayed by uncertainty over endangered species, the Forest Service recently issued new guidance placing human safety first and foremost—guidance that was lacking under Forsgren.

Officially, pro-regulatory Southwestern environmental groups neither support nor oppose Forsgren, but they vehemently oppose Bedell. Center for Biological Diversity (CBD) Director Keiran Suckling labels Bedell "the most stubborn, most aggressive, least communicative" forest supervisor in the region. CBD staffer Brian Seegee says "Bedell and his supporters want to bulldoze" environmentalists. Clearly, a Bedell appointment would further raise the hackles of an already-energized $750 million-a-year Green lobby.

However, Forsgren's posting has been an enormous letdown for rural Westerners. As Howard Hutchinson explained: "It seems like the Bush administration is pandering to all the people who voted against 'em—and will always vote against 'em. So, what's the point?"

The point, which President Bush ought to know, is to dance with the person that brought you.

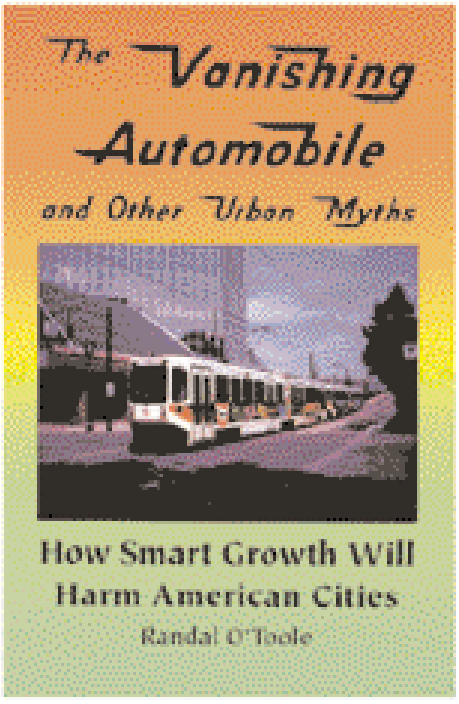
Dave Skinner is a staff writer for the Paragon Foundation News Service.

Freedom's Answer to so-called Smart Growth

Smart growth aims to destroy the American Dream of homeownership and mobility. Its advocates believe Americans should ride mass transit instead of drive cars and live in high-density apartments instead of low-density suburbs. To achieve these goals, smart-growth planners deliberately increase traffic congestion and make housing unaffordable.

The Vanishing Automobile and Other Urban Myths dispels smart-growth fantasies and presents free-market solutions to urban problems. The American Planning Association says *The Vanishing Auto* is "compelling and well documented" and "marshals a formidable array of facts" to "lambast planners' attempts to limit personal freedom."

If you live in a city, town, or suburb, then smart growth is coming to you and you need *The Vanishing Automobile*.



The Vanishing Automobile is written by Randal O'Toole, senior economist with the Thoreau Institute, adjunct scholar with the Cato Institute, and frequent contributor to *Environment & Climate News*.

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TRANSIT continued from page 1

any previous year since 1960. The increase from only 7.8 million trips in 1995 has been much ballyhooed by the transit industry and its supporters. Yet new data from a variety of sources demonstrate that transit funding has been a gross failure by practically any measure—and that the greatest failure is light rail.

"Transit rides" (known in the business as "unlinked trips") are not the same as personal trips. If you ride a bus then transfer to a subway, you take one personal trip but the transit agency counts you twice. Some suspect increases in unlinked trips are partly due to increased transfers, not increased personal trips.

In transit's defense, however, transit passenger miles have actually grown faster than unlinked trips: 16 percent in the last decade compared with 7 percent in trip growth. Yet urban auto driving grew even more (Table One).

The good news that transit trips are back to 1960 levels is dimmed by the fact that, since 1960, the U.S. population has grown more than 50 percent and urban driving has increased by a whopping 420 percent. Despite the doubling of U.S. jobs since 1960, the number of commuters riding transit to work fell from 7.8 million in 1960 to 6.1 million in 2000.

For transit supporters, the most disappointing new statistic comes from the 2000 census, which reported the number of American workers taking public transit to work was virtually unchanged since 1990. The estimated 6,067,700 American workers using transit in 2000—4.7 percent of all workers—was about 1,900 less than in 1990. This is all the more stunning because the number of workers grew from 115 million to 128 million. Any growth in transit ridership must be non-commuter traffic—which means it isn't doing much to relieve rush-hour congestion.

TABLE ONE

Transit and Driving, 1990-2000 (billions of trips or miles)

	1990	2000	% Increase
Transit Trips	8.8	9.4	6.8
Transit Passenger Miles	41.1	47.7	16.1
Urban Vehicle Miles	1,275	1,665	30.6
Rural Vehicle Miles	869	1,085	24.9

Source: American Public Transportation Association and Highway Statistics 2000, table VM-2.

Transit's tiny market share

Transit's market share is pitifully small. The National Transit Database reports passenger miles by transit mode in each urban area. The Federal Highway Administration's Highway Statistics series reports vehicle miles in each urban area, which can be multiplied by 1.6 to get passenger miles. From these data we can calculate transit's share of motorized travel as well as rail transit's share of motorized travel.

Table Two compares these numbers for 2000 with transit's share of the commuter market reported by the 2000 census. The motorized travel data are for urbanized areas, while the commuter data are for metropolitan statistical areas, which are slightly different. But the comparisons are still useful.

Six urban areas—Boston, Chicago, New York, Philadelphia, San Francisco, and Washington—stand out as megacities in which transit carries more than 3 percent of all passenger miles and more than 8 percent of commuter travel. The "big six" carry two out of three transit passenger miles in America. All six have rail systems, but more important, they tend to have massive numbers of downtown jobs.

Transit gains swamped by auto travel

Table Three shows that transit gains are swamped by increased auto driving: Even Seattle and Portland's gains in transit market share are trivial compared to changes in auto driving.

Portland gained 24,000 transit commuters, but 380,000 new jobs—meaning it gained more than a dozen times as many new auto commuters as new transit commuters. Increases in automobile passenger miles are typically 20 to several hundred times as much as increases in transit passenger miles.

Table Three compares the growth in annual passenger miles to 2000 from 1993, the earliest year for which both transit and highway data are posted on the Web. The key figure is the last column, which shows the increase in highway driving relative to transit use.

"Despite the doubling of U.S. jobs since 1960, the number of commuters riding transit to work fell from 7.8 million in 1960 to 6.1 million in 2000."

Even where transit gained a share of commuter travel, the growth of total highway and street passenger miles was 22 to 185 times greater than the growth in transit passenger miles. In some regions where transit lost market share, highway growth exceeded transit growth by hundreds of times.

Transit is well funded

Transit's insignificance in the face of growing auto traffic is not a result of inadequate funding. From 1991 through 2000, transit agencies spent more than $70 billion on capital expenses, nearly two-thirds of which went into rail projects. The agencies spent more than $186 billion on operating expenses, but collected only $72 billion in fares.

The growth in spending has far exceeded the growth in either ridership or fares. Since 1991, capital spending has grown by 76 percent and operating subsidies (operating expenses minus fares) have grown by 32 percent. Yet transit ridership has grown by just 9 percent.

TABLE TWO

Transit's Share of Motorized and Commuter Travel (percent)

Share of:	Motorized Travel		Commuter Travel	
	Transit	Rail	2000	1990
Atlanta	1.3	0.8	3.7	4.7
Austin	1.0	0	2.6	3.4
Baltimore	2.2	0.5	6.2	7.4
Boston	4.6	3.7	9.0	10.6
Buffalo	0.7	0.1	3.5	4.7
Chicago	3.9	2.8	11.5	13.7
Cincinnati	0.9	0	3.1	3.6
Cleveland	1.3	0.4	3.4	4.6
Dallas-Ft. Worth	0.5	0.1	1.8	2.4
Denver	1.4	0.1	4.3	4.3
Detroit	0.5	0	1.8	2.4
Houston	1.1	0	3.3	3.7
Indianapolis	0.3	0	1.3	2.0
Kansas City	0.3	0	1.3	2.0
Las Vegas	1.2	0	4.1	2.0
Los Angeles	1.5	0.3	4.7	4.6
Louisville	0.4	0	2.2	3.2
Milwaukee	1.2	0	4.0	4.8
Minneapolis-St. Paul	1.0	0	4.6	5.2
Nashville	0.2	0	1.0	1.7
New York	10.8	6.8	24.9	26.6
Orlando	0.7	0	1.7	1.6
Philadelphia	3.2	1.9	8.7	10.2
Phoenix	0.5	0	2.0	2.0
Pittsburgh	1.6	0.2	6.2	8.0
Portland	2.1	0.7	5.7	5.4
Providence	0.5	0	2.5	3.2
Raleigh-Durham	0.1	0	1.7	2.0
Rochester	0.5	0	2.0	3.2
Sacramento	0.8	0.3	2.7	2.4
Salt Lake City	1.1	0.4	3.0	3.0
San Diego	1.5	0.6	3.4	3.3
San Francisco	4.3	2.7	9.5	9.3
Seattle	2.7	0	6.8	6.2
St. Louis	0.8	0.3	2.4	3.0
Washington	3.7	2.8	11.1	13.3
West Palm Beach	0.3	0	1.4	1.4

Source: Transit and rail's share of motorized travel is from the 2000 National Transit Database and Highway Statistics 2000. Transit's 2000 and 1990 share of commuter travel is from **http://www.publicpurpose.com/ut-jtw2000metro.htm** and is based on 2000 census data.

TABLE THREE

Growth in Transit and Auto Passenger Miles

(change from 1993 to 2000)

Region	Transit	Highway	Highway/Transit
Regions in which Transit Gained Market Share			
Denver	137,850	5,422,201	39
Las Vegas	106,350	6,511,042	61
Los Angeles	352,793	15,153,032	43
Orlando	80,651	5,907,117	73
Portland	145,332	3,193,369	22
Sacramento	50,654	2,871,453	57
San Diego	176,976	5,905,894	33
San Fran-Oakland	55,012	6,635,106	121
Seattle	153,310	3,847,580	25
West Palm Beach	28,498	5,265,641	185
Regions in which Transit Lost Market Share			
Atlanta	221,237	13,075,616	59
Austin	29,140	2,922,841	100
Baltimore	14,723	2,868,458	195
Chicago	387,946	9,377,493	24
Cincinnati	34,058	2,604,203	76
Cleveland	51,186	1,675,522	33
Dallas-Fort Worth	88,583	22,127,977	250
Fort Lauderdale	5,924	5,236,713	884
Houston	107,820	9,937,914	92
Indianapolis	5,346	2,703,553	506
Memphis	5,989	2,059,904	344
Milwaukee	57,433	810,258	14
Minneapolis-St. Paul	72,688	7,189,024	99
Philadelphia	133,376	2,091,251	16
Phoenix	26,207	5,846,785	223
Salt Lake City	11,919	2,101,908	176
San Antonio	26,924	4,302,457	160
St. Louis	86,274	4,068,492	47

Source: Changes in transit passenger miles are from the 2000 and 1993 National Transit Databases. Changes in auto passenger miles are from the 2000 and 1993 Highway Statistics, table HM-72, with daily vehicle miles of travel converted to annual passenger miles by multiplying by 365 days and 1.6 riders per auto.

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As a result, transit subsidies have steadily grown even after adjusting for inflation. In the past decade, inflation-adjusted subsidies per ride increased by 18 percent and subsidies per passenger mile increased by 8 percent. In 2000, subsidies averaged $2.51 a ride and 49 cents per passenger mile.

Light rail is the biggest waste

The biggest offender is light rail. Table Four shows that 10.9 percent of transit capital investments were in light rail, yet this mode carries only 2.8 percent of transit riders and collects only 2.1 percent of transit fares. Nor are there much savings in operating expenses, since light rail accounts for 2.7 percent of transit operating expenses.

This table compares the share of capital investments by mode over the past decade with operating expenses, fares, and ridership in 2000. "Other" includes demand-responsive buses, ferries, people movers, trolley buses, and various other modes.

Table Five shows that, as a result of wasteful spending on light rail, light rail subsidies in 2000 were 2.5 times as much as for buses. Light rail subsidies per passenger mile were nearly three times as much as for other rail modes.

Another way of measuring transit productivity is to look at ridership per directional route mile. A directional route mile is a mile in each direction; thus, a 10-mile rail line is usually 20 directional route miles. Table Six summarizes productivity by mode.

In 2000, America's heavy rail lines carried an average of 24,600 passenger miles per directional route mile (pm/drm) each day. This is close to a lane of urban freeway, which carries about 26,000 passenger miles per lane mile—with a maximum of 37,000 pm/lm in Los Angeles.

However, New York subways are the only rail transit systems more productive than a freeway lane. The second most productive heavy rail line, in Boston, carried only 17,100 pm/drm. Heavy rail lines in Los Angeles, Cleveland, and Miami are particularly unproductive, carrying under 7,500 pm/drm.

Yet most light rail lines pale even by comparison to unproductive heavy rail lines. The average light rail line in 2000 carried only 4,400 pm/drm. The most productive was Boston's at 8,500. The Hudson-Bergen, Sacramento, Baltimore, Denver, and San Jose light rail lines were particularly unproductive, carrying 3,500 pm/drm or fewer.

Transit vs. auto subsidies

Nationwide, automobiles carry about 2.6 trillion passenger miles a year on urban highways and streets, and another 1.7 trillion on rural roads. Urban transit, which carries less than 50 billion passenger miles a year, represents barely 1 percent of surface travel and 2 percent of urban travel.

In 2000, various levels of government spent about $65 billion on road capital investments, $30 billion on road maintenance, and $29 billion on administration, highway law enforcement, collection costs, and other costs.

Governments collected $101 billion in gas taxes, vehicle taxes, and tolls, so it is difficult to argue that most of the spending on roads was a subsidy. While it is true state and local governments spent about $29 billion of property taxes and general funds on roads, they also diverted $17 billion in highway user fees to transit and other non-highway uses. This means total subsidies to highways were about $22.4 billion.

This probably overstates highway subsidies, as it may leave out some highway user fees. It certainly includes some costs that are not truly highway costs, such as the cost of state and regional transportation planning when that planning is more oriented to transit than highways. In addition, highways carry roughly a trillion ton-miles of freight each year, something often forgotten when calculating subsidies to the auto.

Table Seven shows that total highway subsidies are slightly less than total transit subsidies. But since Americans travel nearly 100 times as many miles by auto as by transit, subsidies to transit per passenger mile are almost exactly 100 times greater than to autos.

> **"Urban transit, which carries less than 50 billion passenger miles a year, represents barely 1 percent of surface travel and 2 percent of urban travel."**

Subsidies or not, all of the spending on roads put together amounts to less than 3 cents per automobile passenger mile. Yet we spend nearly 68 cents a passenger mile on transit, 49 cents of which is a subsidy.

For comparison, Table Seven also shows light rail costs to be $1.37 per passenger mile. This is nearly 50 times greater than the cost of roads. Subsidies to light rail are nearly 250 times greater than to roads.

Lessons for urban areas

Urban leaders, especially those in such rail-wannabe regions as Cincinnati, Louisville, Phoenix, and Seattle, should recognize that:

- After decades of annual subsidies in the tens of billions of dollars, urban transit still carries an insignificant number of trips in all but a few urban areas—and its importance is declining in most of those areas.
- Investments in transit have failed to halt or even slow the growing amount of auto driving. Even where transit is gaining market share, those gains are dwarfed by huge increases in auto driving.
- By itself, rail transit will not increase transit's market share or even total transit ridership. Growth in ridership and market share is due more to regional growth and downtown job concentration than to investments in rail transit.
- Light rail transit is particularly wasteful, costing two-and-one-half to three times as much per passenger mile as other transit modes.
- Contrary to popular belief, transit subsidies are 100 times greater than highway subsidies, averaging 50 cents per passenger mile and $2.50 per transit ride. Light rail subsidies are nearly 250 times greater than highway subsidies.
- Growing urban congestion is partly a result of transportation planners short-changing auto travel as they divert at least $9 billion a year in highway user fees to unproductive transit systems.

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> **"Even where transit gained a share of commuter travel, the growth of total highway and street passenger miles was 22 to 185 times greater than the growth in transit passenger miles."**

TABLE FOUR
Share of Expenses, Fares, and Ridership by Transit Mode (percent)

Mode	Capital	Operating	Fares	Ridership
Bus	30.7	57.3	50.0	44.6
Commuter rail	21.9	11.9	15.7	19.7
Heavy rail	32.1	17.4	28.4	29.0
Light rail	10.9	2.7	2.1	2.8
Other	4.5	10.8	3.8	3.8

Source: American Public Transportation Association.

TABLE FIVE
Subsidy Per Trip and Per Passenger Mile by Transit Mode (dollars)

Mode	Unlinked Trip	Passenger Mile
Bus	2.09	0.56
Commuter rail	7.49	0.33
Heavy rail	1.63	0.31
Light rail	5.22	1.23
Trolley bus	2.19	1.39
Demand response	16.83	2.11

Source: American Public Transportation Association. Includes capital and operating subsidies.

TABLE SIX
Daily Passenger Miles Per Directional Route Mile

Mode	Average	Maximum
Commuter rail	3,362	10,220
Heavy rail	24,617	46,236
Light rail	4,428	8,484
Freeway lane mile	26,334	37,430

Source: Transit from National Transit Database, freeway from Highway Statistics 2000 (average of 50 largest urban areas only).

TABLE SEVEN
Highway and Transit Revenues and Spending in 2000
(dollars and miles in billions except last two lines in cents)

	Highway	Transit	Light Rail
Fares/tolls & user fees	$101.5	$8.7	$0.2
Capital investments	64.6	9.6	1.2
Operations, maintenance, & other	59.4	22.6	0.6
Total costs	123.9	32.2	1.9
Net revenues	-$22.4	-$23.5	-$1.7
Passenger miles of travel	4,400.0	48.0	0.1
Cost in cents per passenger mile	2.8	67.5	136.5
Net revenue in cents per pm	-0.5	-49.2	123.2

Source: Highway Statistics 2000, table HF-10 and American Public Transportation Association. Data may not add due to rounding. "Other" for highways includes law enforcement, administration, research, planning, and user fee collection costs.

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WILDFIRES continued from page 1

the state capitol and its suburbs. More than 2,000 firefighters were called up to battle the blaze, which ultimately torched more than 130,000 acres. Authorities called the blaze the worst in Colorado history. And with each house consumed by the flames, with each family forced to evacuate and find shelter elsewhere, a family saw its hopes, dreams, and worldly possessions go up in smoke.

As terrible as the fire itself was, more striking still were the facts leading up to the blaze, the federal government's role in facilitating the blaze, and a federal employee's actions in deliberately perpetrating the arson that led to the fire.

Federal firefighter Terry Barton initially reported the fire, claiming she discovered an abandoned campfire after smelling smoke on one of her patrols. She told her supervisors she threw dirt on the fire and thought she had extinguished it before it burst out of control.

Investigators found several inconsistencies in Barton's account, however, and confronted her with evidence her story was a concoction. She broke down and "admitted" she had accidentally set the fire by burning a letter from her estranged husband. When that story, too, was disproven by investigators, Barton admitted deliberately setting the fire.

"I'm shocked and with a lot of other people, in a state of disbelief," said regional forester Rick Cables of the U.S. Forest Service, Rocky Mountain Region. "I'm saddened to say that one of our employees has admitted to starting the ... fire."

While Cables expressed sadness that one of his coworkers had deliberately set the fire, it should not have come as a surprise. Barton's actions fit a disturbing pattern in recent years of government workers deliberately setting fires on lands removed from private ownership and "entrusted" to the government.

Federal firefighter starts Arizona blaze

Another such fire, in fact, was set in Arizona and began raging out of control the very day the media reported the discrepancies in Barton's claim that she had inadvertently ignited the Colorado fire with her husband's letter.

On June 30, a contract firefighter for the federal Bureau of Indian Affairs was charged with deliberately starting a fire outside the Fort Apache Indian Reservation. That blaze erupted into the largest wildfire in Arizona history.

Leonard Gregg admitted starting the fire, as well as another one that was quickly extinguished, in order to gain work. Gregg worked as a contract firefighter for the federal government, and he was paid according to how often he was called to fight fires.

"I'm sorry for what I did," Gregg said in federal court, before a magistrate judge told him to refrain from making any statements of guilt.

The Arizona fire torched 452,000 acres of forest in eastern Arizona, destroyed more than 400 homes, and forced the evacuation of more than 30,000 people.

Colorado, Arizona, not alone

Even as the Colorado and Arizona fires caught the national media's attention, numerous other large-scale fires burned across the West. In South Dakota, thousands of people fled the gambling town of Deadwood to escape an untamed wildfire. In North Dakota, several fires went unchecked, including one that burned 20,000 acres and 30 buildings in Shields. In Alaska, a fire started by government biologists torched 100,000 acres and came perilously close to igniting the town of McGrath. In northern New Mexico, a fire incinerated 92,000 acres.

This summer's fires are part of an ominous trend toward increasingly dangerous Western wildfires: fires that are less easily contained, burn for longer periods of time, and are far more destructive than their pre-1990s' predecessors. The summer of 2000 was the worst wildfire season in half a century. Wildfires burned 8.4 million acres of wilderness that year, destroying 800 structures and nearly eradicating the federal government's costly facilities at Los Alamos, New Mexico. The total tab for the year's fires was nearly $3 billion.

This summer's fires perpetuate another frightening trend: Increasingly, the most widespread and destructive fires are started by the government itself. In addition to government employees being the catalysts for this year's Colorado and Arizona fires, last year's Los Alamos fire whipped out of control after federal government employees failed to control a prescribed burn. And Californians are still recovering from their worst fire in decades—one started by a firefighter seeking fame.

> **"This summer's fires are part of an ominous trend toward increasingly dangerous Western wildfires: fires that are less easily contained, burn for longer periods of time, and are far more destructive than their pre-1990s' predecessors."**

Anti-logging policies blamed

Dale Bosworth, chief of the U.S. Forest Service, fixed blame for the rash of catastrophic wildfires on misguided environmental policies. Specifically, Bosworth blamed no-logging policies that have led to unnaturally thick forests.

"We have so many more trees out there than under normal conditions," said Bosworth after touring several of the fires. "There might have been 40 to 50 ponderosa pines per acre at one time. Now you've got several hundred per acre."

Bosworth said forests today are so thick fires are racing along treetops, in a phenomenon known as "crowning," without ever having to touch the ground. If forests had been thinned by logging, the fires would have to touch ground before spreading, making them more easily doused by fire crews.

The solution, according to Bosworth, is to permit some forms of logging in national forests. Even limited logging was largely banned during the Clinton administration's tenure.

Jim Wheeler, assistant fire chief in Flagstaff, Arizona, agreed with Bosworth's prescription. "The point is this: Either we start thinning the forests ourselves or we are going to lose them to a catastrophic fire."

Wheeler practiced what he preached after an outbreak of wildfires six years ago blackened much of the Arizona landscape. He worked with officials in the Coconino National Forest to thin forests on 100,000 acres of land adjacent to Flagstaff.

The program has been remarkably effective. In June 2002, the same month the Fort Apache fire blazed out of control, a wildfire broke out near Flagstaff. The Flagstaff fire raced toward a subdivision of homes ... but then, unlike the Fort Apache fire, the Flagstaff died out in a grove of ponderosa pines Wheeler had thinned.

In Congressional testimony the week of June 10, Bosworth said an "analysis paralysis" caused by environmental regulations and lawsuits prevents the U.S. Forest Service from implementing solutions such as the thinning program undertaken by Wheeler. Bosworth testified that 73 million of the 192 million acres administered by the Forest Service are in danger of severe fire, tens of thousand of acres are dying due to insects and diseases, and the few roads that exist are in large parts unusable. Anti-logging and anti-roadbuilding policies are the prime culprits.

To manage, or not to manage?

According to the *Wall Street Journal*, "It's no accident that two of the main Clinton culprits—former director of Fish & Wildlife Jamie Rappaport Clark and former Forest Service boss Michael Dombeck—have both landed at the National Wildlife Federation, which broadcasts across its Internet homepage, 'Fires Are Good.'"

The Sierra Club gave the story a similar spin. "Fire is a natural part of the forest and has an important role to play, just like sunshine and rain," said the Sierra Club's 2001 report on forest fires.

Such thinking rankles Representative Tom Tancredo (R-Colorado)—not to mention thousands of residents across the American West. "It's that kind of thing we're dealing with here—the idiocy of bureaucrats and environmental extremists, who don't want any kind of management in the forest at all," said Tancredo, a proponent of more active forest management. "They'd rather see the whole thing burn, then start over again in 100 years."

Ted Zukoski, staff attorney for the Land and Water Fund of the Rockies, attempted to absolve the government of blame for the rash of out-of-control wildfires. "I would submit that the weather might have had something to do with it," said Zukoski, who contended proponents of more active forest management are advancing hidden agendas on behalf of timber companies.

Responded Forest Service Chief Bosworth, "If someone thinks we're proposing this for the timber industry—well, there's not even an industry for us to propose it for. There's not even a sawmill left in Colorado."

In Flagstaff, there was no timber industry available to implement Wheeler's successful forest management program. He paid independent contractors $300 an acre to remove the trees, which were mostly chopped and sold as firewood.

FOR MORE INFORMATION

WWW The 2000 wildfire season was documented and analyzed in several issues of *Environment & Climate News*. See, for example, "The lesson of Los Alamos" (August 2000), "Wildfires threaten homes and children" (October 2000), "Forest fires scorch seven million acres" (November 2000), and "Environmental extremists destroying National Forests" (January 2001).

BOT More than two dozen policy documents on the wildfires issue are available through PolicyBot. Search the topic/subtopic combination Environment/Forests.

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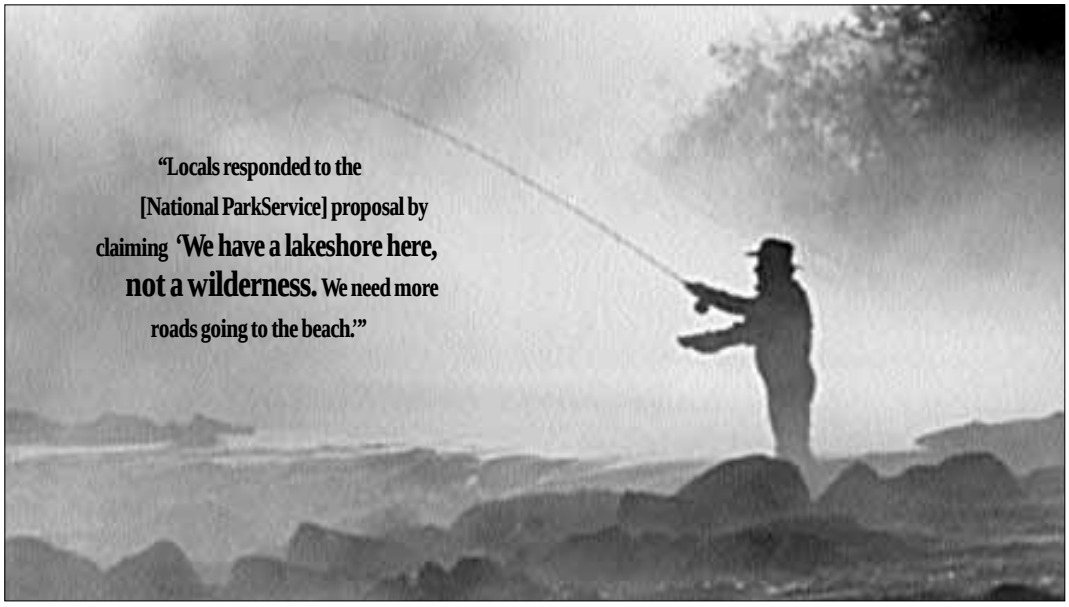
"Locals responded to the [National ParkService] proposal by claiming 'We have a lakeshore here, not a wilderness. We need more roads going to the beach.'"

Feds threaten fishing, hunting at Bear Dunes Lakeshore

Park Service Wilderness Plan would close roads, hunting, Platte River coho stocking

BY DAN THOMAS

A controversial proposal to create a federal wilderness in a portion of Michigan's Sleeping Bear Dunes National Lakeshore has local residents, region-wide anglers, hunters, hikers, and other outdoor folks concerned and angry. The National Park Service is proposing to close popular access roads, end hunting on North Manitou Island, and discontinue the annual stocking of coho salmon on the Platte River.

Lakeshore or wilderness?

Locals responded to the proposal by claiming "We have a lakeshore here, not a wilderness. We need more roads going to the beach."

But that's not going to happen if the recently released park Draft Management Plan and proposal remain as written. Among other things, it calls for acquiring and closing 14 miles of county-owned road in Benzie County and nine miles in Leelanau County. Park staff began long-term planning for the park a year ago. It recently released four alternative plans, including its preferred alternative.

The most contentious aspect is the proposal to establish 7,100 acres of wilderness in the southern part of the park around the Platte River, ending the annual stocking of coho salmon on the Platte River.

"They have a national plan to close down the park and close portions of it to public use. They haven't asked us what we want. We heavily oppose their preferred alternative," says Ed McIntosh, president of the Benzie Fishery Coalition, a group of 150 area businesses and individuals. "Our government has decided to turn our park—the park we gave them—into a wilderness. In some places they want a primitive wilderness. And in some places, a pristine wilderness. That means no people."

Park officials say citizens, angling groups, and state leaders have "overreacted" to the draft management plan. Three open houses were held in the area by the Park Service in July to collect comments on the draft management plan.

Closing a fishery

Michigan DNR's Platte River Hatchery traditionally raises and stocks coho for the four Lake Michigan states, as well as supplying coho for other Midwest state DNR agencies. The elimination of this stocking and raising program would be a major economic and recreational blow to the region.

Michigan United Conservation Clubs Executive Director Sam Washington says, "The DNR just spent millions to rebuild our hatchery system. The Platte River attracts thousands of salmon and trout lovers every year. Whether or not the coho is an exotic is irrelevant—it's an important species to our citizens and vital to the economy of Benzie County" and the Lake Michigan community.

> **"A controversial proposal to create a federal wilderness ... has local residents, region-wide anglers, hunters, hikers, and other outdoor folks concerned and angry."**

Kelley Smith, chief of fisheries for the Michigan Department of Natural Resources, said he doesn't have all the facts yet, but would oppose ending the river stocking program. "It is the state's broodstock river for the entire coho salmon program. It also provides coho eggs to other Great Lakes states."

"The devil will be in the details," said Smith, who was perturbed that he had not been notified of the proposal by the National Lakeshore staff. Mike Duwe, environmental specialist for the National Lakeshore, conceded the oversight had taken place and that appropriate apologies had been made. Official responsibility for fisheries decisions falls to the DNR.

"For all intents and purposes, the Platte River is our coho program," Smith said. "It's where we collect the eggs and we don't maintain a broodstock anywhere else in the state." The Platte River hatchery is where the coho are raised. Many are stocked in the river. They swim down to Lake Michigan and live out most of their lives. Then they return to their upstream home waters to spawn before they die. Eggs for the program are taken from the returning salmon.

Michigan's Natural Resources Commission also shared its displeasure with the Park Service and challenged the Service's jurisdiction in managing the state's resources. At its July 12 regular monthly meeting, the Commission passed a resolution opposing the U.S. Park Service's proposed general management plan for Sleeping Bear Dunes National Lakeshore.

The planning process

The Commission noted the Michigan Department of Natural Resources and the state Natural Resource Commission are the primary responsible agencies for managing fish, wildlife, and other resources in the state. The Commission also noted neither agency was consulted in the formulation of the Park Service's proposed management plan. The NRC resolution expresses its strong concerns about the plan's potential impact on hunting, fishing, wildlife, and other outdoor recreation.

Duwe said the two areas of major contention in the plan—roads and coho—are areas where the Park Service has no control. Policies regarding fishing require DNR approval, and policies concerning roads require county road commission approval. Closing roads will likely require buying them.

This preliminary plan is the second step of four. It will be followed by a draft plan and environmental impact statement this winter. A final plan will follow in the fall of 2003. Each will be available for the public to review on the Park Service' Web site or via U.S. mail.

The next phase of the plan due this winter will identify all the associated environmental and economic impacts of the proposal. Public input is important to the process. Copies of the plan are available by calling 231/326-3134 or by writing to Sleeping Bear Dunes National Lakeshore, 9922 Front Street, Empire, MI 49630-9417.

Comments on the plan can be submitted electronically to slbe_gmp@nps.gov.

Dan Thomas is president of the Elmhurst, Illinois-based Great Lakes Sport Fishing Council, http://www.great-lakes.org. *His email address is* dan@great-lakes.org.

Scientist testifies against 55 mph speed limit

Dr. Kenneth Green, chief scientist for the Los Angeles-based Reason Foundation, testified on June 5 before the Texas Natural Resource Conservation Committee regarding the state's mandatory 55-mile-per-hour speed limit. Following Green's advice, the committee decided to withdraw the limit on automobiles, which had been written into the Texas State Implementation Plan in 2000.

The Reason Foundation first argued against implementation of the 55 mph limit in a November 2000 study, "Clearing the Air in Houston." The study's authors, Green and Lisa Skumatz, warned the speed limit proposal had many failings. Although the city's leading newspaper, the *Houston Chronicle*, agreed, the limit was nevertheless put into place. It has been deeply unpopular with the city's motorists, legislators, commentators, and law enforcement officials.

According to Green, the 55 mph limit was already on the rocks simply due to its unpopularity. A new study of its environmental impacts sealed its fate, showing early reports overstated by 100 percent the air pollution-reducing power of the 55 mph limit. Even those pollution reductions came from the slowing of heavy-duty vehicles rather than automobiles.

With air pollution such a high-profile issue in Texas, and with the implementation of new air quality standards regulating ozone and particulates on the way, the TNRCC's rejection of the 55 mph speed limit is a positive development.

The federal Environmental Protection Agency has yet to weigh-in on the TNRCC's decision. Under the Clean Air Act, EPA has the authority to overrule state regulators on such matters as how best to clean the air. The agency's recent pronouncements about favoring innovative, market-based environmental policy will be tested.

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NSR continued from page 1

commentators contend EPA has frequently and substantially changed its enforcement policies without going through the formal (and legally required) rulemaking procedure.

What EPA's report says

EPA's *Report to the President* summarizes extensive public comments and previous EPA reviews of NSR enforcement policies. It found many cases where current NSR enforcement policies have had negative effects on businesses, workers, consumers, and the environment. (See "NSR's Unintended Consequences," page 15.) The *Report* identified three areas where reform is needed:

- EPA's uncertain and increasingly narrow interpretation of the routine maintenance, repair, and replacement exclusion.

Consistent with Congress's intent, EPA until 1999 generally excluded "routine maintenance, repair and replacement" (RMR&R) activities from the NSR permitting process. As early as 1988, though, EPA began to challenge the meaning of "routine," subjecting or threatening to subject more activities to NSR than before.

The *Report to the President* concludes that "concern about the scope of the routine maintenance exclusion is having an adverse impact on [utility] projects that affect availability, reliability, efficiency, and safety." Concerning nonutility companies, EPA says "concern about the scope of the routine maintenance exclusion is having an adverse impact on industries outside the energy sector. It also is credible to conclude that projects have been discouraged that might have been economically and/or environmentally beneficial without increasing actual emissions."

- EPA's substitution of "actual-to-future-potential" for "actual-to-future-actual" in the accounting of likely changes in emissions.

In 1996, EPA changed the way it estimates the effect of facility modifications on emissions for nonutility emitters from "actual-to-future-actual" to "actual-to-future-potential," which means the decision to apply NSR is determined by the emitter's "potential to emit" (PTE), rather than the actual change in emissions likely to occur.

Two parts of the controversy over calculating PTE are the choice of a base year and the expected future utilization of capacity. If emissions in a year of historically low utilization are used as the base for determining whether future emissions are significant, then more modifications become subject to NSR. And modifications that allow a facility to run longer or at a higher capacity may be scored as increasing the emitter's PTE even though they reduce emissions from the modified unit itself.

In its *Report to the President*, EPA concluded "the current NSR program is having an adverse impact on energy efficiency by discouraging projects that may improve energy efficiency, or may increase capacity and reliability without actually increasing pollutant emissions. In some cases it may be discouraging projects that decrease emissions because of the 'actual-to-future-potential' test used for these industries."

- Emissions from de-bottlenecking and aggregation.

Originally, EPA ruled that only the direct effect on emissions from the unit being modified would be considered in determining whether an NSR permit was required. More recently, EPA has moved to a more expansive definition under which ancillary increases in emissions from unmodified but "de-bottlenecked" units must be included in the calculation of future emissions.

EPA has alleged in the past that regulated emitters split projects for the purpose of evading NSR. To prevent this, EPA itself has taken to combining the emissions impact of separate projects. Once again, the result of EPA's latest interpretation is that more modifications to existing plants are potentially subject to NSR.

EPA concludes in its *Report to the President*, "Our findings in this report ratify a longstanding and broadly-held belief that parts of the NSR program can and should be improved. For example, we conclude above that changes to NSR that add to the clarity and certainty of the scope of the routine maintenance exclusion will improve the program by reducing the unintended consequences of discouraging worthwhile projects that are in fact outside the scope of NSR."

Recommended reforms

When it released its *Report to the President*, EPA also issued seven recommendations for NSR reform. The first four were proposed by the Clinton administration in 1996 but never implemented:

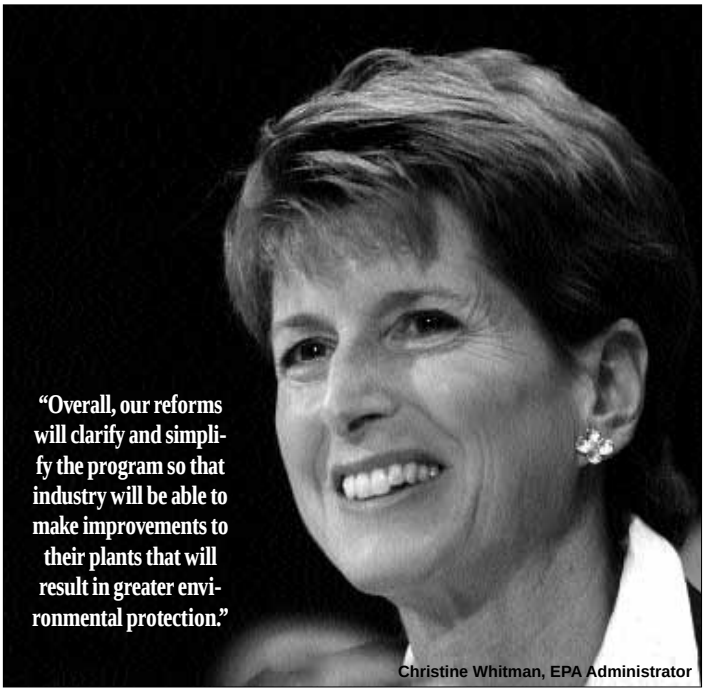
- Plantwide Applicability Limits (PALs). Regulated emitters would be allowed to modify their plants without obtaining a major NSR permit provided their emissions do not exceed a plantwide cap based on an actual emissions baseline. Such "plantwide applicability limits" (PALs) would have the effect of expanding the RMR&R exclusion and resolving conflicts over de-bottlenecking and indirect effects on emissions.

"Since 1980, EPA has released some 4,000 pages of 'guidance' and produced many (often conflicting) letters and several proposals for NSR revision, none of them finalized."

- "Clean unit" exclusion. Regulated emitters who achieved federal BACT or LAER control levels or comparable state minor source BACT since 1990 would be entitled to a "clean unit exclusion" from NSR. A clean unit would trigger NSR only if permitted allowable emissions increase. Companies that make investments in pollution prevention or processes that are inherently clean or lower-emitting, and which achieve emission reductions comparable to BACT or LAER at the time the investment was made, would also qualify for the exclusion.
- Pollution control and prevention projects. Modifications that result in a net overall reduction in air pollutants, including when an emitter switches to a cleaner-burning fuel, would be excluded from NSR, subject to certain conditions. Currently, only modifications done for the purpose of reducing emissions are granted such an exclusion. Caps on emissions under the National Ambient Air Quality Standards program and other programs would remain in place.
- Actual-to-future-actual methodology. The "actual-to-future-potential" emissions test would be replaced with the previously used (and still used for utilities) "actual-to-future-actual" test, which is a more realistic calculation of future emissions. Only emission increases caused by a given modification would be considered. The baseline for calculating current actual emissions would be the highest consecutive 24-month period within the immediately preceding 10 years.

Three additional reforms of NSR recommended by EPA would need to go through the formal rulemaking procedure (including public comment) before being implemented. They are:

- More objective definition of the RMR&R exclusion. EPA proposes to set cost-based thresholds below which projects would automatically qualify for the RMR&R exclusion. The thresholds would be set on an industry-by-industry basis and would exclude costs incurred for installing and maintaining pollution control technology. EPA would also attempt to codify activities that qualify for the RMR&R exclusion.
- De-bottlenecking. EPA proposes to clarify that, when calculating actual emissions associated with a modification, emitters generally will need to look only at the unit undergoing the change. Emissions from units "upstream" or "downstream" of the unit being changed would be considered only when the permitted emissions limit of the upstream or downstream unit would be exceeded or increased as a result of the change.
- Aggregation. EPA proposes to consider modifications to be separate and independent projects unless they are dependent upon another project to be economically or technically viable or the project has been intentionally split from other projects to avoid NSR. EPA says it "generally would defer to the States to implement the Agency's aggregation rule."


"Overall, our reforms will clarify and simplify the program so that industry will be able to make improvements to their plants that will result in greater environmental protection."
Christine Whitman, EPA Administrator

According to EPA, "Our reforms will remove the obstacles to environmentally beneficial projects, clarify NSR requirements, encourage emissions reductions, promote pollution prevention, provide incentives for energy efficient improvements, and help assure worker and plant safety. Overall, our reforms will clarify and simplify the program so that industry will be able to make improvements to their plants that will result in greater environmental protection."

EPA goes on to say, "The basic elements of the NSR program remain in place. All new major sources of air pollution will need to comply with the best control technology and existing sources which make major modifications and have a significant increase in actual emissions also will have to meet these requirements. The reforms simply clarify which changes at existing sources can be made without triggering NSR."

Views and reactions

Many prominent organizations have observed NSR's shortcomings and called for NSR reform along the lines proposed by EPA. The National Governors Association says "NSR requirements should be reformed to achieve improvements that enhance the environment and increase energy production capacity, while encouraging energy efficiency, fuel diversity, and the use of renewable resources."

The nation's leading think tanks support NSR reform. For example, the Progressive Policy Institute, a liberal think tank, says "NSR no longer provides any significant emissions reductions, and eliminating these NSR provisions for new sources has the potential to actually boost cleaner energy technologies." The Heritage Foundation, a conservative think tank, calls NSR reform "much needed," noting "the administration's ability to restructure the program and reform its perverse incentives will determine how rapidly the nation can meet its growing energy needs while controlling air pollution."

NSR continued on next page

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NSR continued

Jerry Taylor and Peter Van Doren of the libertarian Cato Institute say "the President is on the right track. Whatever we decide about permissible air pollution levels, the current regime is an economic, environmental, and political abomination. It should be replaced root-and-branch with a universal cap-and-trade program, and the one outlined in the 'Clear Skies' program is a good place to start."

Business groups generally have been favorable to EPA's recommendations. According to Michael Baroody, executive vice president of the National Association of Manufacturers, "The new reforms will help remove regulatory roadblocks that have kept us from pursuing" environmental improvements and economic growth. The Business Roundtable says "the current NSR system has created an unnecessary conflict between industrial competitiveness and environmental protection. These two important objectives can and should work hand-in-hand; we should help the Bush administration make this happen—for the benefit of the environment and our economy."

The American Petroleum Institute called the reforms "an encouraging step" that "ends a period of uncertainty by finalizing some and proposing other much needed regulatory changes."

Liberal politicians and activist organizations, who opposed NSR reform before EPA's latest report was released, remain wedded to the dysfunctional program even after the *Report to the President* documented its shortcomings. Sen. John Kerry (D-Massachusetts) called EPA's recommendations "terrible news for families in the Northeast." The Chicago chapter of the American Lung Association, a lobbying group, claimed "the Bush plan means significantly more air pollution, which will adversely impact public health and undermine pending enforcement action against violators."

Joseph L. Bast is president of The Heartland Institute, publisher of Environment & Climate News.

NSR's unintended consequences

EPA's *Report to the President* on New Source Review contains many case studies illustrating the unintended consequences of NSR. Here are just four examples.

- A company in the flexible packaging industry asked its permitting agency to allow it to run a thermal oxidizer only when it runs solvent-based inks and coatings, since the increasingly popular water-based inks and coatings contain materials that can poison the oxidizer's catalyst. The change would have saved approximately 15,000 cubic feet of natural gas and 650 kWh of electricity each day. However, the company felt EPA would view the request as a change in the plant's method of operation, triggering NSR, even though actual emissions were expected to be reduced. The project did not go forward.
- A plastics plant wanted to install a heat exchanger that would recover waste heat from one of its natural gas-fired units. As a result, natural gas consumption would have fallen 7.5 percent and emissions of NOx would have fallen by 7.5 percent, SO2 by 5.8 percent, CO by 7.6 percent, particulate matter (PM) by 9 percent, and VOCs by 9.3 percent. However, because the boilers required back-up firing with oil during the winter to ensure operation, the actual-to-future-potential emission test would have caused the project to trigger NSR. To avoid NSR, the company says it is considering burning more fuel oil over the next two years to increase the base level of emissions (actual emissions).

"EPA's Report to the President on New Source Review contains many case studies illustrating the unintended consequences of NSR. Here are just four examples."

- A pulp and paper mill reported it had planned to install a new overfire air system to allow for more complete combustion of bark fuel, reducing the amount of natural gas required to provide supplemental heat by roughly 200 million cubic feet, for an annual natural gas savings to the company of about $1 million. Annual emissions of NOx, CO, and VOCs would have decreased. However, because the boiler is currently operating below its rated capacity, and the PTE is based on operating at full capacity, the project would have triggered the installation of NSR-required emission controls costing $17 million. The project was dropped.
- A refinery concluded that changes to the Fluid Catalytic Cracking Unit (FCCU) riser design to allow better catalyst-crude mixing would result in more gasoline being produced from the FCCU. While the change would not increase emissions at the FCCU, it would likely increase emissions from the gasoline loading dock and would lower emissions from diesel loading. Analysis has not yet been done to show if the increase would be significant (i.e., > 40 tons/year); however, using the potential-to-emit methodology, the project would trigger the PSD permitting requirement since the facility is under the permit cap limit by more than 40 tons/yr. The project, if completed, would not cause the facility to exceed its state permit facility cap for VOC, NOx, SO2 or any other pollutant.

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Government land acquisition: Socialism by a landslide

Land—in private ownership—is the foundation of freedom in America

BY HENRY LAMB

If put to a vote, Americans would likely reject socialism by a substantial majority.

Those same Americans, however, are voting by a substantial majority to allow governments to acquire more and more land and to tighten the controls on the private lands that remain.

Socialism, classically defined, is "government ownership and/or control of the sources of production." Land is the source of all production. A vote for acquiring more private land by government, or tightening government's control of the remaining private land, is a vote for socialism in America.

Of course, it's not called socialism; it's called "protecting the environment." But it doesn't matter what it is called; the result is the elimination of private property and the transfer of the sources of production to government control. The result is socialism.

Governments already own 900 million acres—40 percent or more—of the total land area of the United States. Nearly 200 million acres are designated as "wilderness," off-limits to humans. More than 50 bills have been introduced in Congress to expand the wilderness area, and another 50 bills are now being considered to authorize more land acquisition by governments.

States, too, are authorizing land acquisition to "protect" open space, watersheds, shorelines, and the environment in general. Not one of the bills is labeled "The Transition to Socialism Act." Nevertheless, each of these bills has the effect of destroying the foundation of freedom in America and effecting the transition to socialism.

Every time private property is acquired by government, tax revenue from that land stops. This forces an increase in the taxes paid by the remaining private property owners. Even worse, the free market is further diminished.

The United Nations believes government control of all land use is "indispensable." Environmental organizations have convinced the public, Congress, and the Bush administration that the planet is on the brink of biological collapse, and that the only way to ensure a planet for posterity is to stop logging, mining, ranching, driving, boating, snowmobiling, barbequing, and eating meat and sweets, and to restore the land to pre-Columbian wilderness and force humans to live in low-rise, high-density, managed "sustainable communities."

No thank you

This is a socialist agenda. No thank you—very much!

Instead of plotting to acquire more private property, Congress and state legislatures should be working to divest the massive land inventories they already hold. Get government land into private hands—as much as possible, as quickly as possible. Article 1, Section 8, of the U.S. Constitution specifies the kinds of assets the government may own; all governments should adhere to that principle.

"Governments already own 900 million acres—40 percent or more—of the total land area of the United States."

Government cannot adequately manage the land it owns now. Divestiture could provide revenue to build schools, reduce debt, or simply refresh the Social Security Trust Fund. Private landowners would happily pay reasonable property taxes. And private owners would undoubtedly "protect" their property far better than the government has protected "public" assets.

The Nature Conservancy and other "conservancy" organizations should be required to pay full taxes on their land holdings. Governments should be prohibited from providing them with grants to acquire private property. Without their government subsidies, their appetite for land acquisitions would likely diminish.

Private property: Foundation of freedom

Land—in private ownership—is the foundation of freedom in America. Ownership means the freedom to use the land that is owned. Government control of private land—to "protect" so-called "endangered" species of weeds and bugs—is a feel-good mask that hides the sinister effect of transforming America into a socialist nation.

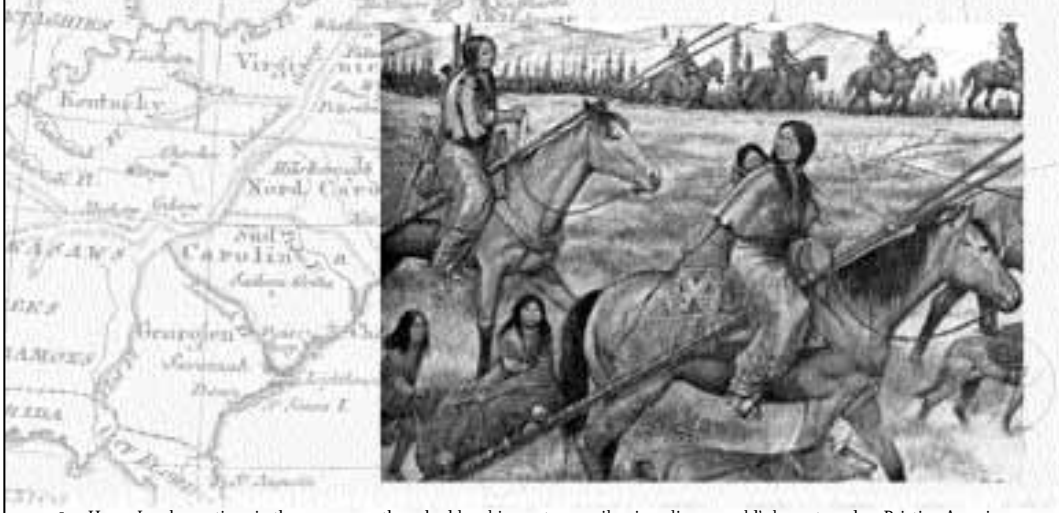
Socialists have tried throughout the century to establish federal control of land use. This idea has been rejected in the past. Americans have been blinded by the "protect the environment" ruse, and for a generation they have allowed socialism—government land acquisition and control—to guide public policy.

Many, if not most, Americans believe it is perfectly correct for government to own land and to prohibit use of the land to keep it in its pristine condition. Few who hold this belief will declare just how much land is the correct percentage for government to own. Every candidate for public office should be asked to publicly declare just how much land he or she thinks the government should own. Voters should make their decisions accordingly.

The rate at which private property is being acquired by government or placed under government control is nothing less than a landslide—a landslide to socialism.

Henry Lamb is executive vice president of the Environmental Conservation Organization and chairman of Sovereignty International.

Was pre-Columbian America really wilderness?



As Henry Lamb mentions in the accompanying story, many environmentalists believe we should restore America to a state of "pre-Columbian wilderness." But was pre-Columbian America really a wilderness?

Stewart Truelsen, director of broadcast services for the American Farm Bureau Federation, points out:

> Lately though, more and more scholars are attacking this myth. Some of the research was pulled together in an *Atlantic Monthly* article titled simply "1491." Author Charles Mann says, "Indians were here in greater numbers than previously thought, and they imposed their will on the landscape. Columbus set foot in a hemisphere thoroughly dominated by humankind."

One of the most important scholars writing on this topic is University of Wisconsin cultural ecologist William Denevan. In his paper "The Pristine Myth: The Landscape of the Americas in 1492," Denevan notes, "Agricultural fields were common as were houses, towns and roads, and trails. All of these had local impacts on soil, microclimate, hydrology, and wildlife."

Fire was an important tool the Indians used to convert forests to grassy openings ... probably making them the first Americans to contribute to global warming. "Like people everywhere, Indians survived by cleverly exploiting their environment," says Mann. "Rather than domesticating animals for meat, Indians retooled whole ecosystems to grow bumper crops of elk, deer, and bison." In South America, they appear to have planted part of the Amazon rainforest to grow a diverse assortment of trees, fruits, nuts, and palms.

"Pristine America, a wilderness untrammeled by man, may all be part of our folklore."

Mann concludes that if environmentalists want to return America to its pre-1492 condition, then it is not a wilderness they are seeking, but what was perhaps the world's largest garden. Pristine America, a wilderness untrammeled by man, may all be part of our folklore.

FOR MORE INFORMATION

WWW *The Native Population of the Americas in 1492*, edited by William M. Denevan, is available for $19.95 through Amazon.com at **http://www.amazon.com/exec/obidos/ASIN/0299134342/theheartlandinst.**

BOT Additional information about Native Americans' impact on the environment is available through *PolicyBot*, The Heartland Institute's free online research service. Search the topic/subtopic combination Environment/Native Americans to find such documents as "The Indian Romance" (American Enterprise Institute, 1995, 2pp.); "Dances with Myths" (*Reason*, February 1997, 6pp.); and "Conservation: Native American Style" (PERC, July 1996, 16pp.).

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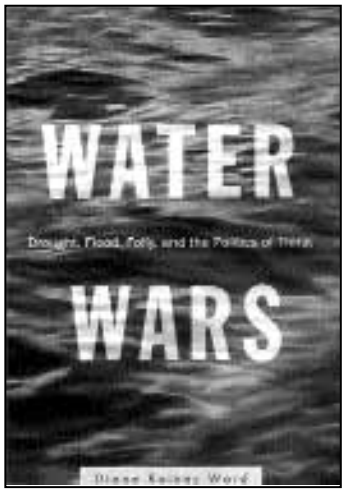
A good yarn



A review by
Jay Lehr, Ph.D.

of

Water Wars:
Drought, Flood, Folly and the Politics of Thirst

Riverhead Books - August 2002
by Diane Raines Ward

Water Wars is a horribly titled, terribly promoted, miserably quoted, wonderful book.

I do not know Diane Raines Ward, but I suspect she is a solid journalist with a great thirst for knowledge both broad and deep. She spent 10 years circling the globe to beautifully describe many of the world's most fascinating water development problems and projects and the people who master-minded—and mismanaged—them. She writes with the splendid insight of an historian about India, Pakistan, Bangladesh, Israel, Egypt, Turkey, Spain, Holland, Ethiopia, and of course the United States, and many more countries to boot.

She tells each story with clarity and care describing the people, the problem, and the solution for many of the world's citizens without adequate water or water power.

Ward tells the fascinating story of Holland's battle to hold out the sea and increase its land area and water supplies, all through the clean eyes of Dutch water expert Peter Huisman. She describes the British Empire's many water structures across their once great empire through the eyes of William Willcock, who was knighted for his service to the crown and its colonies in water development.

In the United States, Ward briefly describes a number of relatively well-known water projects previously documented by Marc Reisner in *Cadillac Desert*, but she shines brightest when she details the story of the Tennessee Valley Authority (TVA) and the brilliant role David Lilienthal, TVA's early chairman, played.

The books suffers, however, from the fact she extracted information from more than one hundred people, and their contributions are often poorly edited for fairness and accuracy. Her views on global warming have the shallowness of standard environment scare press releases. The book's sometimes-distorted view of future water wars is colored by those with a vested interest in beating that drum.

> "*Water Wars* is a horribly titled, terribly promoted, miserably quoted, wonderful book."

FOR MORE INFORMATION

WWW *Water Wars* will be published on August 15, 2002. It can be ordered in advance for $17.47 through Amazon.com at **http://www.amazon.com/exec/obidos/ASIN/1573222291/theheartlandinst**

It is a well-documented fact that, in many centuries' worth of disputes over water, there have been no wars. If the past is prologue to the future, there will be none. Sadly, publisher Riverhead Books and its publicist have chosen to sensationalize minor aspects of the book to develop sales. Even the chapter titles are sensationally worded rather than usefully defined. The book lacks subheadings, which could have greatly aided the reader.

In spite of these failings, if history and water are your bent and you enjoy a good yarn spun by a thoughtful writer, this book is a pleasant and informative read.

Jay Lehr, Ph.D. is science director for The Heartland Institute.

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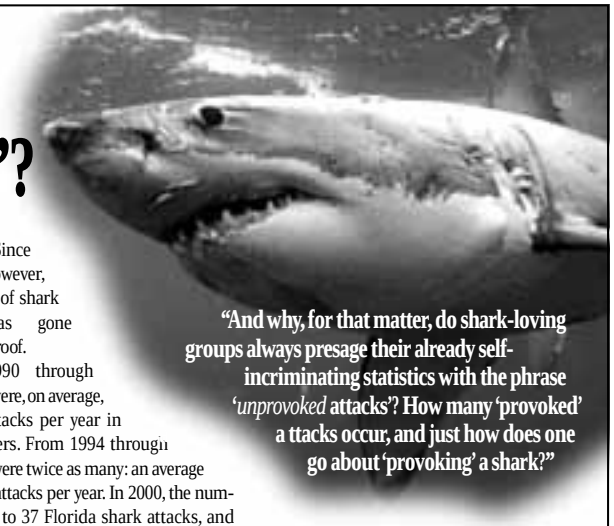
EDITORIAL

Did shark victim "get what he had coming"?



BY JAMES M. TAYLOR

A young Australian man was recently killed and eaten by a 20-foot-long great white shark while diving for scallops at Smokey Bay on the Australian West Coast. You may, therefore, be expecting the Australian government to be spearheading an effort to capture and kill the man-eater. You would, however, be wrong.

The director of fisheries policy for the South Australia Fisheries Department says, "We've no plans to hunt down the shark and kill it at this stage. It would be a last resort to destroy the shark because it's a protected species."

Some of the area's residents agree. "Some people think it should be killed; others, like myself, think when you enter the water, you've entered the food chain and that's the risk you take," said a local resident chatting with a reporter outside the Smokey Bay General Store.

In other words, the young man had it coming. Man equals shark, and no more, on God's (or nature's) hierarchical totem pole. Tens of thousands of years of human beings struggling up to the top of the food chain is being surrendered by a sort of unilateral disarmament.

Never in America?

Of course, this happened in Australia—the land of rugged individualism and legendary personal toughness, as so aptly illustrated in the television ads for a somewhat-overrated beer. This "oh well ..." sentiment in the wake of a gruesome shark attack would never hold water with the U.S. government, right? Don't bet the mortgage on it.

The National Marine Fisheries Service and the Florida Fish and Wildlife Conservation Commission have teamed up to "dispel the myths" that last year was the "summer of the shark." The government spent $23,000 on a news conference at Washington's National Press Club to advertise a June conference in Tampa, Florida (undoubtedly costing even more money) designed to say "ho-hum" about last year's widely reported shark attacks.

"We have to correct some misconceptions that jumped out last year," and launch a pre-emptive media attack, said shark apologist George Burgess of the University of Florida.

"Last year the rate of attacks on humans was about the same as the year before," said Burgess, "but we had 800 percent more media coverage.... The real story is that through overfishing, man bites shark."

Government statistics show there were indeed roughly the same number of "unprovoked" shark attacks in U.S. waters last year as there were in 2000. However, what Burgess and the federal government conveniently forget to mention is that 2000 absolutely obliterated all previous records for U.S. shark attacks. The fact that shark attacks in 2001 matched the record number of attacks in 2000 is hardly cause for complacency or comfort.

In the mid-1990s, Save the Ocean groups convinced the federal government to ban commercial shark fishing along the Florida coast. Not coincidentally, Florida is, and has been, home to more shark attacks than anywhere else in the country.

Throughout the early 1990s, before the shark fishing ban took effect, Florida already experienced double-digit "unprovoked" shark attacks every year. Since the ban, however, the number of shark attacks has gone through the roof.

From 1990 through 1993, there were, on average, 11 shark attacks per year in Florida waters. From 1994 through 1999, there were twice as many: an average of 23 shark attacks per year. In 2000, the number jumped to 37 Florida shark attacks, and 2001 followed with 36 attacks. That's more than triple the number of annual shark attacks, in what was already the nation's shark attack capital, since the fishing ban took effect.

Even more tellingly, the number of attacks in other notorious shark states, such as California and Hawaii, remained constant during this period. Neither California nor Hawaii had been subjected to shark fishing bans.

And what's this about "unprovoked"?

The number of "unprovoked" shark attacks in 2000 and 2001 was clearly unprecedented and cause for alarm.

And why, for that matter, do shark-loving groups always presage their already self-incriminating statistics with the phrase "*unprovoked* attacks"? How many "provoked" attacks occur, and just how does one go about "provoking" a shark?

Are gangs of juvenile delinquents staying out past their curfews, taunting great whites and wearing t-shirts saying "Bite me"? Are middle-aged, overweight dads trying to impress their pre-teen children by poking nature's most efficient killers in the eye and saying "Oh yeah? What are you going to do about it?" Are comely young ladies going out into the surf wearing seal masks, fake seal fins, and artificial tails, all the while laughing like The Lone Stripper in the famous episode of Happy Days? Neither the definition nor the number of "provoked" shark attacks are ever given.

"And why, for that matter, do shark-loving groups always presage their already self-incriminating statistics with the phrase '*unprovoked* attacks'? How many 'provoked' a ttacks occur, and just how does one go about 'provoking' a shark?"

It didn't take Neanderthal man long to figure out that angry gray skies lead to rain. It likewise shouldn't take modern government long to figure out that bans on shark fishing in the shark attack capital of the nation lead to increased shark attacks and increased human deaths.

Burgess and his government partners have called for still more stringent protections for Florida sharks and a still greater increase in Florida shark numbers. "We don't need to rebuild a virgin shark population, but we do need to rebuild a sustainable portion," Burgess was quoted as saying in the *St. Petersburg Times*.

Will somebody from the federal government or the University of Florida please visit eight-year-old Florida shark-attack victim Jesse Arbogast and tell him that?

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LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED